

**JARROD BROWN**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

-----  
ROBERT TOMASSINI and THOMAS HROMOWYK,  
on behalf of themselves and others similarly  
situated,

Plaintiffs,

- vs -

Case No.

3:14-cv-01226-MAD-ML

FCA US LLC,

Defendant.  
-----

Examination before trial of **JARROD BROWN**,  
taken pursuant to Subpoena, in the offices of  
JACK W. HUNT & ASSOCIATES, INC., 1120 Liberty  
Building, Buffalo, New York, on October 8, 2019,  
commencing at 1:07 p.m., before LORI K. BECK, CSR,  
RDR, CRR, Notary Public.

**JACK W. HUNT & ASSOCIATES, INC.**

1 APPEARANCES: LAW OFFICES OF  
2 ELMER ROBERT KEACH, III,  
3 By ELMER ROBERT KEACH, III, ESQ.,  
4 One Pine West Plaza, Suite 109,  
5 Washington Avenue Ext.,  
6 Albany, New York 12205-5531,  
7 (518) 434-1718,  
8 bobkeach@keachlawfirm.com,  
9 Appearing for the Plaintiffs.

10 THOMPSON COBURN LLP,  
11 By THOMAS L. AZAR, ESQ.,  
12 (to be admitted pro hac vice)  
13 One US Bank Plaza,  
14 St. Louis, Missouri 63101,  
15 (314) 552-6000,  
16 tazar@thompsoncoburn.com,  
17 Appearing for the Defendant.

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
410  
411  
412  
413  
414  
415  
416  
417  
418  
419  
420  
421  
422  
423  
424  
425  
426  
427  
428  
429  
430  
431  
432  
433  
434  
435  
436  
437  
438  
439  
440  
441  
442  
443  
444  
445  
446  
447  
448  
449  
450  
451  
452  
453  
454  
455  
456  
457  
458  
459  
460  
461  
462  
463  
464  
465  
466  
467  
468  
469  
470  
471  
472  
473  
474  
475  
476  
477  
478  
479  
480  
481  
482  
483  
484  
485  
486  
487  
488  
489  
490  
491  
492  
493  
494  
495  
496  
497  
498  
499  
500  
501  
502  
503  
504  
505  
506  
507  
508  
509  
510  
511  
512  
513  
514  
515  
516  
517  
518  
519  
520  
521  
522  
523  
524  
525  
526  
527  
528  
529  
530  
531  
532  
533  
534  
535  
536  
537  
538  
539  
540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
560  
561  
562  
563  
564  
565  
566  
567  
568  
569  
570  
571  
572  
573  
574  
575  
576  
577  
578  
579  
580  
581  
582  
583  
584  
585  
586  
587  
588  
589  
590  
591  
592  
593  
594  
595  
596  
597  
598  
599  
600  
601  
602  
603  
604  
605  
606  
607  
608  
609  
610  
611  
612  
613  
614  
615  
616  
617  
618  
619  
620  
621  
622  
623  
624  
625  
626  
627  
628  
629  
630  
631  
632  
633  
634  
635  
636  
637  
638  
639  
640  
641  
642  
643  
644  
645  
646  
647  
648  
649  
650  
651  
652  
653  
654  
655  
656  
657  
658  
659  
660  
661  
662  
663  
664  
665  
666  
667  
668  
669  
670  
671  
672  
673  
674  
675  
676  
677  
678  
679  
680  
681  
682  
683  
684  
685  
686  
687  
688  
689  
690  
691  
692  
693  
694  
695  
696  
697  
698  
699  
700  
701  
702  
703  
704  
705  
706  
707  
708  
709  
710  
711  
712  
713  
714  
715  
716  
717  
718  
719  
720  
721  
722  
723  
724  
725  
726  
727  
728  
729  
730  
731  
732  
733  
734  
735  
736  
737  
738  
739  
740  
741  
742  
743  
744  
745  
746  
747  
748  
749  
750  
751  
752  
753  
754  
755  
756  
757  
758  
759  
760  
761  
762  
763  
764  
765  
766  
767  
768  
769  
770  
771  
772  
773  
774  
775  
776  
777  
778  
779  
780  
781  
782  
783  
784  
785  
786  
787  
788  
789  
790  
791  
792  
793  
794  
795  
796  
797  
798  
799  
800  
801  
802  
803  
804  
805  
806  
807  
808  
809  
810  
811  
812  
813  
814  
815  
816  
817  
818  
819  
820  
821  
822  
823  
824  
825  
826  
827  
828  
829  
830  
831  
832  
833  
834  
835  
836  
837  
838  
839  
840  
841  
842  
843  
844  
845  
846  
847  
848  
849  
850  
851  
852  
853  
854  
855  
856  
857  
858  
859  
860  
861  
862  
863  
864  
865  
866  
867  
868  
869  
870  
871  
872  
873  
874  
875  
876  
877  
878  
879  
880  
881  
882  
883  
884  
885  
886  
887  
888  
889  
890  
891  
892  
893  
894  
895  
896  
897  
898  
899  
900  
901  
902  
903  
904  
905  
906  
907  
908  
909  
910  
911  
912  
913  
914  
915  
916  
917  
918  
919  
920  
921  
922  
923  
924  
925  
926  
927  
928  
929  
930  
931  
932  
933  
934  
935  
936  
937  
938  
939  
940  
941  
942  
943  
944  
945  
946  
947  
948  
949  
950  
951  
952  
953  
954  
955  
956  
957  
958  
959  
960  
961  
962  
963  
964  
965  
966  
967  
968  
969  
970  
971  
972  
973  
974  
975  
976  
977  
978  
979  
980  
981  
982  
983  
984  
985  
986  
987  
988  
989  
990  
991  
992  
993  
994  
995  
996  
997  
998  
999  
1000

13:07:14 10  
13:07:14 11  
13:07:14 12 **J A R R O D B R O W N**, Cambria, New York, after  
13:07:42 13 being duly called and sworn, testified as follows:  
13:07:42 14  
13:07:42 15 **EXAMINATION BY MR. KEACH:**  
13:07:42 16  
13:07:43 17 **Q.** Okay, Mr. Brown. My name's Attorney  
13:07:45 18 Bob Keach, lawyer from Albany.  
13:07:47 19 We're going to take your testimony in a  
13:07:49 20 proposed class action lawsuit that's been filed by  
13:07:52 21 my clients, Bob Tomassini and Thomas Hromowyk --  
13:07:55 22 and I'm going to mispronounce that name a hundred  
13:07:57 23 times today -- against FCA US, which is the

**Brown - Keach - 10-8-19**

3

13:08:00 1 corporate parent of the Chrysler Corporation or the  
13:08:04 2 company that makes Chrysler and Dodge cars.

13:08:06 3 What we're participating in today is called  
13:08:08 4 a deposition. It's where I get to ask you  
13:08:10 5 questions, and you have to provide me with a spoken  
13:08:12 6 response.

13:08:12 7 Now, that's important, because, you know, in  
13:08:15 8 ordinary conversation, people say uh-huh or um-hum  
13:08:18 9 or they shake or nod their head. You can't do that  
13:08:20 10 today, because she, as the court reporter, cannot  
13:08:23 11 take those things down.

13:08:24 12 So you've got to answer yes or no or, if  
13:08:26 13 you're going to shake your head, "I don't know,"  
13:08:28 14 whatever it is. Just give me an honest answer, but  
13:08:31 15 you have to speak it.

13:08:32 16 **A.** Okay.

13:08:34 17 **Q.** Second, you need to let me finish my  
13:08:36 18 questions, and I'm going to show you the same  
13:08:38 19 courtesy in return. That way you and I can avoid  
13:08:41 20 talking over each other.

13:08:42 21 You and I talking over each other today is a  
13:08:44 22 bad thing. It interferes with the court reporter  
13:08:47 23 taking the record and just makes everybody's life a

**JACK W. HUNT & ASSOCIATES, INC.****1120 Liberty Building****Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

4

13:08:50 1 little harder.

13:08:51 2 Now, I just want to confirm: You're not  
13:08:54 3 represented by counsel today, correct?

13:08:55 4 **A.** That is correct.

13:08:56 5 **Q.** All right. You're going to hear  
13:08:58 6 Mr. Azar make a series of objections today.  
13:09:01 7 Generally his objections will be limited as to  
13:09:03 8 form, but regardless, Mr. Azar is not your lawyer,  
13:09:06 9 and it doesn't matter what he says. He can say  
13:09:08 10 whatever he wants. You have to answer my questions  
13:09:10 11 regardless, okay?

13:09:11 12 **A.** Yes.

13:09:12 13 **Q.** Now, that brings me to my next point.

13:09:16 14 If at any point in time today you want to  
13:09:18 15 take a break, you let me know, and I'll hook you  
13:09:20 16 up, okay?

13:09:22 17 You know, I think you and I have a lot more  
13:09:24 18 in common than you may know sitting here, but this  
13:09:27 19 ain't the Bataan Death March. You don't have to  
13:09:29 20 sit here, you know, for hours on end.

13:09:30 21 You got to use the bathroom, you want to  
13:09:31 22 smoke a cigarette, your wife's blowing up your  
13:09:33 23 phone wondering where you are, you got to take care

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**



**Brown - Keach - 10-8-19**

5

13:09:35 1 of it, whatever it is, you just tell me. I'll hook  
13:09:35 2 you up, okay? I'll give you a break.

13:09:38 3 On the flip side, I just want you to let me  
13:09:41 4 get my questions done before you ask me for a  
13:09:43 5 break, so if I've asked you a question and you  
13:09:45 6 haven't responded, at least get the question done  
13:09:47 7 and then take a break, or if I'm showing you a  
13:09:50 8 document, let's get through the document before you  
13:09:53 9 take a break.

13:09:53 10 Does that sound fair?

13:09:53 11 **A.** Yes.

13:09:53 12 **Q.** All right. Now, this technological  
13:09:56 13 terror you see in front of you is how I'm going to  
13:09:58 14 show you my documents, and you're going to see the  
13:10:00 15 document on the page in front of you.

13:10:02 16 If at any point in time you want to get the  
13:10:04 17 whole document in front of you, you just ask me.  
13:10:05 18 I'll email it to the court reporter, and they'll  
13:10:06 19 print it out, okay?

13:10:07 20 I do this for a range of reasons, primarily  
13:10:10 21 organization, because I'm just notorious for losing  
13:10:13 22 deposition exhibits, and if I show them to you on  
13:10:15 23 my iPad, I definitely ain't going to lose my iPad,

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

6

13:10:19 1 okay?

13:10:19 2 But if there's a problem doing this today,  
13:10:21 3 you tell me, and we can just go paper. Just let me  
13:10:23 4 know whatever your preference is, all right?

13:10:23 5 **A.** Yes.

13:10:24 6 **Q.** Finally, I am not a perfect examiner,  
13:10:26 7 and sometimes I ask questions that witnesses don't  
13:10:30 8 understand. Sometimes I use words they don't  
13:10:32 9 understand. Sometimes -- and that may well happen  
13:10:35 10 today -- there's a dialogue between counsel that  
13:10:37 11 interferes with your ability to understand.

13:10:39 12 And when those things happen, you just tell  
13:10:41 13 me, and I'll take the steps necessary to make sure  
13:10:43 14 that you and I can have an intelligent  
13:10:45 15 conversation, all right? All I want from you today  
13:10:46 16 is to tell me the truth about, you know, what  
13:10:48 17 happened here, and -- you know, and as part of that  
13:10:52 18 process, you and I need to be able to understand  
13:10:54 19 each other.

13:10:55 20 If you have any problem with my questions,  
13:11:13 21 tell me. I'll address it. On the flip side, if  
13:11:13 22 you answer me, I'm going to assume that you  
13:11:13 23 understood me.

**Brown - Keach - 10-8-19**

7

13:11:13 1 Sound fair?

13:11:13 2 **A.** Yes.

13:11:13 3 **Q.** All right. Now, you -- you've never  
13:11:13 4 been deposed before, have you?

13:11:13 5 **A.** No, I don't believe so.

13:11:13 6 **Q.** Okay. Well, there's always a first for  
13:11:13 7 everything, unfortunately.

13:11:13 8 Being under -- getting deposed today in  
13:11:14 9 front of our court reporter is the same thing as  
13:11:15 10 being under oath in court, okay? So that means you  
13:11:18 11 take an oath to tell the truth.

13:11:21 12 You understand -- I just want to confirm  
13:11:22 13 your understanding. You understand you're under  
13:11:24 14 oath and that being under oath in front of our  
13:11:26 15 court reporter is the same thing as being under  
13:11:45 16 oath in the federal court, who supervises this  
13:11:45 17 case.

13:11:45 18 **A.** Yes.

13:11:46 19 **Q.** All right. Are you taking any  
13:11:48 20 medication today that would interfere with your  
13:11:50 21 ability to testify or interfere with your memory of  
13:11:52 22 events in this case?

13:11:53 23 **A.** No.

**Brown - Keach - 10-8-19**

8

13:11:53 1           **Q.**     All right.   So we're going to start  
13:11:55 2 with the big question in my mind, is how did you  
13:11:58 3 even learn about this lawsuit.

13:11:59 4           **A.**     I believe I was delivered a summons or  
13:12:04 5 a -- what do you call the kind the guy brings to  
13:12:08 6 you?

13:12:08 7           **Q.**     Subpoena.

13:12:09 8           **A.**     The subpoena, that's right.

13:12:10 9           **Q.**     All right.   So that would have been the  
13:12:11 10 first subpoena you received.

13:12:13 11           **A.**     Yes.

13:12:13 12           **Q.**     Would have been from FCA US's lawyers,  
13:12:16 13 correct?

13:12:16 14           **A.**     I don't recall who it was from, to be  
13:12:18 15 honest with you.

13:12:18 16           **Q.**     All right.   But that was a subpoena --  
13:12:20 17 I think you were supposed to testify at some point  
13:12:22 18 last month.

13:12:24 19           **A.**     I received one prior to that, several  
13:12:29 20 months back, where they had -- somebody had just  
13:12:32 21 requested copies of the invoices.

13:12:35 22           **Q.**     Okay.

13:12:36 23           **A.**     I don't recall who that was.   I know

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

9

13:12:37 1 I -- I faxed them to somebody --

13:12:39 2 Q. Okay.

13:12:40 3 A. -- but I don't recall if it was --

13:12:43 4 Q. All right. I do remember that from --  
13:12:45 5 from this case.

13:12:46 6 A. Right.

13:12:47 7 Q. I don't know if that came from us or --  
13:12:49 8 I believe it came from Chrysler, but I don't know  
13:12:50 9 for sure.

13:12:51 10 How about -- how about a subpoena that you  
13:12:53 11 had to show up and talk about what happened with  
13:12:58 12 Mr. Hromowyk's car?

13:12:59 13 A. I had received one maybe two months  
13:13:01 14 ago, and it was postponed or adjourned or whatever  
13:13:04 15 it may have been.

13:13:05 16 Q. Okay.

13:13:05 17 A. And --

13:13:06 18 Q. And -- go ahead, I'm sorry.

13:13:08 19 A. And then I received another one a week  
13:13:10 20 ago today.

13:13:11 21 Q. Okay. And that was from us.

13:13:13 22 A. Yes.

13:13:13 23 Q. And the first one you received to show

**Brown - Keach - 10-8-19**

10

13:13:15 1 up was from FCA US's counsel.

13:13:17 2 **A.** Yes.

13:13:17 3 **Q.** So you've never talked to me before  
13:13:19 4 today, have you?

13:13:20 5 **A.** No.

13:13:20 6 **Q.** All right. And there are a series of  
13:13:23 7 Plaintiffs' lawyers involved in this case, so I'm  
13:13:25 8 just going to go over who they are and see whether  
13:13:28 9 you've talked to them as well.

13:13:29 10 There's a lawyer named Nick Migliaccio in  
13:13:32 11 Washington. Have you ever spoken to him?

13:13:34 12 **A.** No.

13:13:34 13 **Q.** How about Jason Rathod in Washington?

13:13:37 14 **A.** No.

13:13:38 15 **Q.** Gary Graifman.

13:13:39 16 **A.** No.

13:13:40 17 **Q.** Jay Brody.

13:13:41 18 **A.** No.

13:13:42 19 **Q.** Jay Brody and Gary Graifman are  
13:13:43 20 somewhere in the vicinity of White Plains, New  
13:13:46 21 York.

13:13:46 22 **A.** No.

13:13:46 23 **Q.** All right. How about a guy named Gary

**Brown - Keach - 10-8-19**

11

13:13:48 1 Mason? He's from Washington, D.C.

13:13:49 2 **A.** No.

13:13:50 3 **Q.** Dan Calvert? He's from Florida.

13:13:53 4 **A.** No.

13:13:53 5 **Q.** All right. Have you talked to any  
13:13:55 6 lawyers from -- that represent FCA US?

13:13:57 7 **A.** I don't believe I have.

13:13:58 8 **Q.** All right. Well, there's been an  
13:14:00 9 affidavit submitted to -- to me and to the Court in  
13:14:04 10 this case that bears your signature.

13:14:06 11 Do you remember signing an affidavit?

13:14:10 12 **A.** No, I don't know if I do, unless it was  
13:14:14 13 the time that I had faxed over that information the  
13:14:17 14 first time around.

13:14:19 15 **Q.** Okay.

13:14:23 16 **A.** That was quite a while back.

13:14:27 17 **Q.** Give me just a moment.

13:14:40 18 Okay. I have a declaration here that is  
13:14:42 19 purported to have been signed by you on August 21st  
13:14:46 20 of this year.

13:14:47 21 **A.** Oh, would that be --

13:14:49 22 **Q.** And a declaration is like -- it's a --  
13:14:52 23 it's a form that you -- that basically you say,

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

12

13:14:55 1 "Okay, here's what my testimony is," and then  
13:14:57 2 you --

13:14:57 3 **A.** That's correct. I guess I don't know  
13:14:58 4 the terminology as far as --

13:15:00 5 **Q.** That's no problem.

13:15:01 6 **A.** Okay.

13:15:01 7 **Q.** Okay. And so how did it come to pass  
13:15:04 8 that you signed that declaration?

13:15:06 9 **A.** I received a -- I don't recall if it  
13:15:09 10 was a phone call or an email from -- I believe it  
13:15:15 11 was him. I don't know if I can ask him.

13:15:18 12 **Q.** Anything you've talked with him about,  
13:15:19 13 I'm allowed to get into today. He's not your  
13:15:22 14 lawyer.

13:15:22 15 **A.** Right. No, I know.

13:15:24 16 **Q.** It would be no different if you and I  
13:15:24 17 spoke and he asked you questions about what you and  
13:15:25 18 I talked about.

13:15:25 19 **A.** Yes, it was -- it was you who sent me  
13:15:28 20 those emails, I'm almost 90 percent sure,  
13:15:31 21 originally.

13:15:32 22 **Q.** All right. So Mr. Azar sent you  
13:15:35 23 emails.

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**



**Brown - Keach - 10-8-19**

13

13:15:35 1           **A.**     Yes.

13:15:35 2           **Q.**     And what did those emails say, in words  
13:15:38 3 or substance?

13:15:41 4           **A.**     He was trying to -- he -- this was  
13:15:45 5 before the case was adjourned, and he had said that  
13:15:47 6 somebody might not be able to make it, so he was  
13:15:50 7 trying to handle the matter, what he could, at that  
13:15:52 8 point.

13:15:53 9           So I think I sent him copies of the receipts  
13:15:56 10 that I had involving the vehicle in question, and I  
13:16:01 11 gave him a phone -- he asked me some questions over  
13:16:04 12 the phone, and then he wrote them down, sent me a  
13:16:08 13 copy of that. When I -- and that I would have  
13:16:13 14 signed and then sent back to him.

13:16:14 15           **Q.**     Okay. So what exactly did Mr. Azar ask  
13:16:18 16 you over the phone?

13:16:18 17           **A.**     He asked me about each time the vehicle  
13:16:22 18 was in, that it had a tire pressure monitor repair,  
13:16:26 19 if I knew -- if I recalled why, and asked me if I  
13:16:32 20 was ever requested to save the old parts.

13:16:37 21           Maybe the cause of failure. I don't quite  
13:16:39 22 recall, but --

13:16:40 23           **Q.**     Okay. Well, let's talk about if I

**Brown - Keach - 10-8-19**

14

13:16:45 1 bring my car over to your shop to get it repaired,  
13:16:48 2 and I come in, and it's a -- you need to replace  
13:16:51 3 some part on my vehicle.

13:16:51 4 **A.** Yes.

13:16:53 5 **Q.** Let's just say, for the sake of  
13:16:55 6 argument, that I have bad spark plugs, all right?

13:16:57 7 **A.** Okay.

13:16:59 8 **Q.** I mean, you see that kind of problem  
13:17:00 9 all the time, people who need spark plugs replaced,  
13:17:04 10 right?

13:17:04 11 **A.** Right.

13:17:04 12 **Q.** Okay. So I come in and I need my spark  
13:17:07 13 plugs replaced. You're going to replace them,  
13:17:09 14 right, if that's necessary?

13:17:10 15 **A.** Yes.

13:17:11 16 **Q.** And then what do you do with the old  
13:17:12 17 spark plugs?

13:17:13 18 **A.** Throw them in the trash.

13:17:15 19 **Q.** Okay. And that happens all the time,  
13:17:17 20 right?

13:17:17 21 **A.** Yes.

13:17:18 22 **Q.** Okay. And that would happen no matter  
13:17:20 23 what the part is, correct?

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

15

13:17:21 1           **A.**     Yes.

13:17:21 2           **Q.**     All right.   So if we're talking  
13:17:24 3 about -- if I come in and I have defective tire  
13:17:27 4 pressure monitoring system modules, same thing.  
13:17:30 5 They're going in the trash, right?

13:17:33 6           **A.**     Yes.   Unless you ask me beforehand to  
13:17:35 7 save parts on any job, no matter what it might be,  
13:17:38 8 they'll go in the trash.

13:17:39 9           **Q.**     Okay.   And just so we're clear, it  
13:17:41 10 doesn't matter what the part is, right?  Brake  
13:17:43 11 pads, you know --

13:17:44 12           **A.**     Right.

13:17:45 13           **Q.**     -- pistons?

13:17:46 14           **A.**     Yes.   There's one or two people a year  
13:17:48 15 that might ask to see their old parts or us to save  
13:17:52 16 them, but everything goes in the trash pretty much  
13:17:53 17 immediately.

13:17:54 18           **Q.**     All right.   And I bet those one or two  
13:17:56 19 people a year are installing lift kits, maybe?

13:17:59 20           **A.**     Well, yes, something like that, but  
13:18:00 21 occasionally, if we're replacing a defective or a  
13:18:03 22 faulty part, somebody might ask to see it.   Some  
13:18:06 23 people are just curious as to what it looks like or

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

16

13:18:08 1 something like that, but we don't get that very  
13:18:10 2 often at all.

13:18:11 3 Q. Okay. Well, let's just step back. And  
13:18:15 4 I'm going to call him -- if you could help me  
13:18:18 5 pronounce his last name so I can do it properly.

13:18:18 6 A. I call it Hromowyk.

13:18:21 7 Q. Hromowyk. That is correct.

13:18:21 8 A. I don't know if that's right or not,  
13:18:23 9 but I think it is.

13:18:24 10 Q. That is correct. It's Hromowyk.

13:18:25 11 All right. So my understanding is  
13:18:28 12 Mr. Hromowyk brings all his vehicles over to you to  
13:18:29 13 get repaired; fair to say?

13:18:29 14 A. Yes.

13:18:30 15 Q. Okay. And so -- so you know him and  
13:18:33 16 you know his cars, right?

13:18:34 17 A. Yes.

13:18:34 18 Q. Okay. Do you have any recollection  
13:18:37 19 about Mr. Hromowyk asking to have his tire pressure  
13:18:41 20 monitoring system modules given back to him?

13:18:43 21 A. No, I don't, but that's not my position  
13:18:46 22 at the shop where I handle the customers, so the --  
13:18:51 23 the service manager would have been the one to talk

**JACK W. HUNT & ASSOCIATES, INC.****1120 Liberty Building****Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

17

13:18:55 1 with him about that.

13:18:56 2 Typically if somebody wants us to save an  
13:18:58 3 old part, he'll make a note of it on the invoice,  
13:19:02 4 on -- on what's called the technician worksheet,  
13:19:04 5 which is the work order that the technician will  
13:19:06 6 get in the shop, and on that it will say save old  
13:19:10 7 parts.

13:19:11 8 Q. Okay.

13:19:11 9 A. So --

13:19:11 10 Q. But that doesn't always happen, right?

13:19:14 11 A. Very -- that happens -- people don't  
13:19:16 12 want the old parts very often, right.

13:19:18 13 Q. I mean, does it always happen where  
13:19:21 14 somebody writes on the invoice save old parts?

13:19:24 15 A. Only if it's requested.

13:19:25 16 Q. All right. But can you tell me that  
13:19:26 17 happened -- well, let me just step back.

13:19:28 18 Mr. Hromowyk had three of the four TPMS  
13:19:33 19 modules on his car removed by your shop and then  
13:19:37 20 replaced. The fourth one was the first TPMS module  
13:19:43 21 that he had that failed, and that was when he was  
13:19:45 22 driving down I-90 at around 60 miles an hour by  
13:19:49 23 Erie and had to change his tire on the side of the

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

*Brown - Keach - 10-8-19*

18

13:19:51 1 road.

13:19:52 2           So that one he doesn't have, but his other  
13:19:54 3 three TPMS modules he has, and he's given them to  
13:19:57 4 my colleague, Gary Graifman in White Plains, and  
13:20:02 5 then we have also offered Chrysler's lawyers to  
13:20:05 6 inspect those parts, and they have declined to do  
13:20:09 7 so, instead maintaining to the Court that we've  
13:20:10 8 destroyed them or that Mr. Hromowyk destroyed them.

13:20:10 9           **A.**     Right.

13:20:11 10           **Q.**     Now, that's going to be the subject of  
13:20:13 11 what will be a very heated proceeding in front of  
13:20:17 12 Judge D'Agostino, and unfortunately, you may well  
13:20:19 13 be in the middle of that.

13:20:20 14           **MR. AZAR:** Object to the form.

13:20:20 15           **BY MR. KEACH:**

13:20:21 16           **Q.**     So -- but just to -- that's to give you  
13:20:23 17 the background.

13:20:23 18           So Mr. Hromowyk -- there's no question he  
13:20:25 19 has three of his four TPMS modules, and those three  
13:20:29 20 TPMS modules were removed and replaced by your body  
13:20:33 21 shop.

13:20:33 22           **MR. AZAR:** Object to the form.

13:20:34 23           **BY MR. KEACH:**

**JACK W. HUNT & ASSOCIATES, INC.**

*1120 Liberty Building*

*Buffalo, New York 14202 - (716) 853-5600*

**Brown - Keach - 10-8-19**

19

13:20:35 1           **Q.**     So I looked at the receipts, and I  
13:20:40 2 don't see that on any of the three work receipts  
13:20:42 3 involving change -- giving back the TPMS modules.

13:20:46 4           **MR. AZAR:**   Object to the form.

13:20:48 5           **THE WITNESS:**   It's possible.   Like I said, I  
13:20:50 6 don't -- I don't run the office, so the manager  
13:20:52 7 does that that -- that deals with the customer.   It  
13:20:55 8 is possible that he asked him to save them and it's  
13:20:58 9 not on the order.   That -- that -- I really can't  
13:21:00 10 speak for that myself.

13:21:02 11           And I do believe that one of the receipts  
13:21:05 12 states right on it for the TPMS module to save old  
13:21:09 13 parts.

13:21:09 14           **BY MR. KEACH:**

13:21:09 15           **Q.**     Okay.   Well, are -- let me see what you  
13:21:12 16 have there so I can check it out.

13:21:14 17           Did you bring those with you on your own  
13:21:16 18 accord, or were you given them today?

13:21:18 19           **A.**     I'm sorry?

13:21:19 20           **Q.**     Did you bring those with you on your  
13:21:20 21 own accord?

13:21:20 22           **A.**     Yes, I brought these with me on my own  
13:21:23 23 accord today.

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

20

13:21:25 1           **Q.**     Okay. All right. I don't want you to  
13:21:35 2 think to yourself on the record, okay, so just  
13:21:37 3 avoid -- you know, if you're looking at these  
13:21:40 4 things, don't say anything. Just look at them and  
13:21:42 5 tell me when you're ready to proceed.

13:21:44 6           **A.**     I'm ready.

13:21:45 7           **Q.**     Okay. You have one of the receipts  
13:21:46 8 that has that note on it?

13:21:48 9           **A.**     Yes, I do.

13:21:48 10          **Q.**     Okay. And what date is that receipt?

13:21:51 11          **A.**     4/11 of 2019.

13:21:53 12          **Q.**     Okay. Now, just to -- to step back for  
13:21:59 13 just a moment, the only way that Mr. Hromowyk would  
13:22:05 14 have his TPMS modules is if he asked you to save  
13:22:08 15 them after the repair; is that fair to say?

13:22:11 16          **A.**     Yes.

13:22:11 17          **MR. AZAR:** Object to the form.

13:22:11 18          **BY MR. KEACH:**

13:22:12 19          **Q.**     It's not like, you know, you guys for  
13:22:14 20 some strange reason would repair -- would, you  
13:22:17 21 know, keep a defective part for a customer.

13:22:19 22          **MR. AZAR:** Object to the form.

13:22:19 23          **BY MR. KEACH:**



**Brown - Keach - 10-8-19**

21

13:22:20 1 Q. Fair to say?

13:22:21 2 A. That's fair to say, yes.

13:22:22 3 Q. Okay. So we can assume -- well, do you  
13:22:25 4 agree with me that it is true that if Mr. Hromowyk  
13:22:29 5 has two of the three TPMS modules in -- in his  
13:22:33 6 possession and in the possession of his counsel  
13:22:37 7 that were removed by your body shop, that he made a  
13:22:39 8 request to your body shop to do that?

13:22:41 9 MR. AZAR: Object to the form.

13:22:42 10 THE WITNESS: I -- I can only assume that  
13:22:45 11 that is true. I -- I didn't personally give them  
13:22:48 12 to him, and I -- and like I said, I was not the  
13:22:50 13 person who would have dealt with him when he came  
13:22:52 14 in. The only thing that I know is -- and what I  
13:22:54 15 can look at on paper is when he requested it.

13:22:58 16 BY MR. KEACH:

13:22:58 17 Q. Okay.

13:22:58 18 A. So --

13:23:05 19 Q. All right. And so do you know who --  
13:23:07 20 let's go back to the -- to the first occasion.

13:23:09 21 And I'm going to ask you to help me walk  
13:23:12 22 through these documents, because you have, you  
13:23:14 23 know, obviously, a better understanding of these

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

22

13:23:17 1 things than I do.

13:23:17 2 When is the first occasion that Mr. Hromowyk  
13:23:20 3 had a TPMS module replaced at your body shop?

13:23:26 4 So I've got a -- I've got an invoice here  
13:23:28 5 that's from 4/11/2019.

13:23:33 6 **MR. AZAR:** Mr. Keach, do you want to -- the  
13:23:35 7 witness is consulting documents, and I don't  
13:23:37 8 believe they've been marked for the record.

13:23:39 9 **MR. KEACH:** It's my examination. You can  
13:23:40 10 object to the form.

13:23:41 11 **MR. AZAR:** I object to the form, and I  
13:23:42 12 object to -- the witness is referring to documents.  
13:23:45 13 Let the record reflect that.

13:23:46 14 **MR. KEACH:** Whatever. You can handle it in  
13:23:48 15 your own examination. You can object to the form.

13:23:54 16 **BY MR. KEACH:**

13:23:54 17 **Q.** Okay. So I've got an invoice 4/11.  
13:23:58 18 I've got an invoice 8/4/2015.

13:24:03 19 **A.** I believe the first time would have  
13:24:05 20 been 7/27/2015. Oh, that's a repair kit. That's  
13:24:18 21 just a valve.

13:24:19 22 So the actual --

13:24:32 23 **Q.** All right. I'll tell you what. We're

**Brown - Keach - 10-8-19**

23

13:24:34 1 going to put all these -- we're going to mark these  
13:24:37 2 things and put them all up so that there's no  
13:24:39 3 misunderstanding, okay?

13:24:40 4 So give me just a moment to get there, and  
13:24:42 5 then we can walk through them together.

13:24:42 6 **The following was marked for Identification:**

7 **HROMOWYK EXH. QQ invoice number 72822 dated**  
8 **04/11/2019**

13:27:46 9 **BY MR. KEACH:**

13:27:47 10 **Q.** All right. Now, just for the sake of  
13:28:10 11 continuity, we're going to refer to the first  
13:28:10 12 invoice I have here as Hromowyk Exhibit QQ, okay,  
13:28:10 13 because we had a deposition before.

13:28:10 14 I'm going to pull this -- and a lot of these  
13:28:10 15 were already marked during Mr. Hromowyk's  
13:28:10 16 deposition, and I don't have copies of those on my  
13:28:10 17 trial pad here, but we're going to put this up for  
13:28:11 18 you on the screen in front of you.

13:28:11 19 So just confirm that you've got an image  
13:28:15 20 there.

13:28:15 21 **A.** Yes, I do.

13:28:15 22 **Q.** Okay. Now, this is an invoice that was  
13:28:18 23 dated 4/11/2019 when Mr. Hromowyk had his tire

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

24

13:28:22 1 pressure monitoring system on one of his -- one of  
13:28:25 2 his tires replaced by your dealership, correct?

13:28:28 3 **A.** Yes.

13:28:29 4 **Q.** Okay. And this is the receipt that  
13:28:33 5 you're talking about that states, in words or  
13:28:35 6 substance, replace -- replace TPMS sensor and then  
13:28:40 7 save broken TPMS sensor, correct?

13:28:42 8 **A.** Yes.

13:28:42 9 **Q.** All right. Now, do you know who did  
13:28:44 10 this work? And I can move it down. At the bottom  
13:28:51 11 here, it's --

13:28:51 12 **A.** Yes, it says -- it will say right on  
13:28:53 13 there, if you can enlarge it.

13:28:55 14 **Q.** Okay. I can enlarge it for you.

13:28:57 15 **A.** Scroll up. All the way to the bottom  
13:28:59 16 of the page.

13:29:00 17 **Q.** All the way to the bottom of the page.  
13:29:01 18 Okay.

13:29:02 19 **A.** Technician is Bob --

13:29:04 20 **Q.** Bob --

13:29:05 21 **A.** -- Bob Leman.

13:29:10 22 **Q.** Okay. And so does Bob Leman still work  
13:29:13 23 for you?

**Brown - Keach - 10-8-19**

25

13:29:13 1           **A.**     Yes, he does.

13:29:14 2           **Q.**     And prior to filling out this affidavit  
13:29:16 3 that Mr. Azar asked you to complete, did you talk  
13:29:19 4 with Bob Leman about his conversations with  
13:29:22 5 Mr. Hromowyk?

13:29:23 6           **A.**     No, Bob would have no communication  
13:29:25 7 with the customer whatsoever. He's a technician.

13:29:28 8           **Q.**     Okay. So he's the guy back in the --

13:29:29 9           **A.**     In the shop.

13:29:30 10          **Q.**     He's in the shop changing stuff.

13:29:31 11          **A.**     Exactly.

13:29:32 12          **Q.**     So who would have the communication  
13:29:34 13 with the customer to reflect what should or should  
13:29:38 14 not be done with the part?

13:29:40 15          **A.**     At that time, where it states service  
13:29:42 16 advisor on the receipt, Scott Miceli.

13:29:45 17          **Q.**     Where would I see that? At the bottom?

13:29:46 18          **A.**     That was right next to Bob's name.

13:29:48 19          **Q.**     Okay. Scott Miceli. So he's the guy  
13:29:50 20 that kind of works in the front and helps  
13:29:52 21 everybody?

13:29:52 22          **A.**     He's no longer there, but he was the  
13:29:54 23 guy at that time.

**Brown - Keach - 10-8-19**

26

13:29:54 1 Q. All right.

13:29:55 2 A. That's correct.

13:29:56 3 Q. Did you talk to Scott about what's  
13:29:58 4 reflected in -- in Exhibit QQ before making your  
13:30:02 5 affidavit on behalf of FCA US?

13:30:06 6 A. No.

13:30:06 7 Q. And so you don't -- so as you sit here  
13:30:09 8 today, you don't know what conversations were had  
13:30:12 9 between -- between -- you know, between that  
13:30:16 10 gentleman and Mr. Hromowyk at the time that he  
13:30:17 11 asked that this broken TPMS sensor be saved,  
13:30:20 12 correct?

13:30:21 13 A. That's correct.

13:30:21 14 Q. All right. And, you know, when you  
13:30:25 15 guys remove parts to replace them, you're going to  
13:30:29 16 do what you got to do to get the part out and  
13:30:31 17 replace it, right?

13:30:32 18 A. Yes.

13:30:32 19 Q. Okay. Are you in the business of, you  
13:30:34 20 know, hey, if you know a part's broken, you're  
13:30:36 21 going to beat it up or use a hammer on it or  
13:30:39 22 anything like that to beat the stuffing out of it  
13:30:42 23 just for a good time?

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

27

13:30:42 1           **A.**     No.     Sometimes those fall apart when  
13:30:44 2 they're in really bad shape, but we won't just  
13:30:47 3 smash it out of there, because it's no good.

13:30:50 4           **Q.**     When you say those fall apart, what do  
13:30:52 5 you mean?

13:30:52 6           **A.**     They have a corrosion issue.

13:30:53 7           **Q.**     When you say they have a corrosion  
13:30:55 8 issue, what do you mean?

13:30:56 9           **A.**     The aluminum stem of the tire pressure  
13:30:59 10 monitor itself deteriorates.

13:31:01 11           **Q.**     Okay.   Well, let me just step back.  
13:31:05 12 And we'll get back to these invoices in a minute.

13:31:07 13                   Were you aware prior to Mr. Hromowyk first  
13:31:12 14 coming to you to have his TPMS modules replaced,  
13:31:14 15 which I believe is in 2000 -- would have been 2017,  
13:31:21 16 according to the receipts, but we'll get to that in  
13:31:24 17 a moment.

13:31:24 18                   Were you aware that this -- the type of  
13:31:27 19 vehicle he was driving had problems with its valve  
13:31:31 20 stems?

13:31:31 21           **MR. AZAR:**   Object to the form.

13:31:32 22           **THE WITNESS:**   Yes, but they're -- that's not  
13:31:34 23 abnormal.   I mean, a lot of cars have problems with

**Brown - Keach - 10-8-19**

28

13:31:37 1 the -- with the valve stems.

13:31:38 2 And it was 2015, his first repair. I do  
13:31:42 3 have that. His first repair was August 4th of  
13:31:50 4 2015.

13:31:50 5 **BY MR. KEACH:**

13:31:51 6 **Q.** All right. Well, there were a lot of  
13:31:52 7 cars that were made by FCA US that had this problem  
13:32:05 8 with the valve stems. Are those the cars that  
13:32:08 9 you're referring to?

13:32:09 10 **MR. AZAR:** Object to the form.

13:32:09 11 **THE WITNESS:** Yes.

13:32:10 12 **BY MR. KEACH:**

13:32:11 13 **Q.** Okay. And so these cars that you've  
13:32:12 14 seen that are having problems with the valve stems,  
13:32:14 15 they are Chrysler Dodge Ram cars.

13:32:17 16 **A.** Not only. I mean, I've seen some  
13:32:19 17 foreign cars with those issues as well. I don't  
13:32:22 18 know who makes them, if it's the same company.

13:32:24 19 But I will say that the -- the ones that  
13:32:29 20 we're speaking of have a higher failure rate than  
13:32:31 21 others.

13:32:32 22 **Q.** Okay.

13:32:33 23 **A.** Put it that way.

**JACK W. HUNT & ASSOCIATES, INC.**

*1120 Liberty Building*

*Buffalo, New York 14202 - (716) 853-5600*



**Brown - Keach - 10-8-19**

29

13:32:34 1 Q. And the ones you're speaking of would  
13:32:36 2 be the vehicles that are made by FCA US.

13:32:39 3 MR. AZAR: Object to the form.

13:32:40 4 THE WITNESS: Yes.

13:32:40 5 BY MR. KEACH:

13:32:41 6 Q. All right. So had you seen -- now,  
13:32:42 7 Mr. Hromowyk has a mini van, and, you know, it's  
13:32:49 8 a -- I believe his car is a Dodge Caravan, you  
13:32:51 9 know, and then there were Chrysler Town & Countrys.

13:32:55 10 Did you see those certain mini vans having  
13:32:59 11 problems with their valve stems in your shop?

13:33:01 12 A. Yes.

13:33:02 13 MR. AZAR: Object to the form.

13:33:02 14 BY MR. KEACH:

13:33:03 15 Q. And did you ever talk with your  
13:33:04 16 customers about why the valve stems on those  
13:33:07 17 vehicles were failing?

13:33:08 18 MR. AZAR: Object to the form.

13:33:08 19 THE WITNESS: We -- we tell them if it's --  
13:33:10 20 if there's a problem. Obviously, if we see  
13:33:12 21 something that we think is not right or break, you  
13:33:15 22 know, or just not good, we will call them and tell  
13:33:18 23 them why, yes.

**JACK W. HUNT & ASSOCIATES, INC.**

*1120 Liberty Building*

*Buffalo, New York 14202 - (716) 853-5600*

**Brown - Keach - 10-8-19**

30

13:33:18 1 **BY MR. KEACH:**

13:33:19 2 **Q.** All right. Well, did you ever  
13:33:20 3 determine why those particular cars, meaning these  
13:33:23 4 mini vans that were made by FCA US, had these  
13:33:27 5 problems with their valve stems?

13:33:28 6 **A.** Yes, like I stated before, it's a  
13:33:30 7 corrosion issue.

13:33:31 8 **Q.** Right. I understand it's a corrosion  
13:33:32 9 issue, but did you ever, say, reach out to the  
13:33:34 10 dealership and make an inquiry of them about why  
13:33:43 11 these valve stems on these particular vehicles were  
13:33:46 12 coming into your shop failing?

13:33:48 13 **A.** No.

13:33:48 14 **Q.** Did you have any knowledge about why  
13:33:50 15 that particular type of aluminum failed more  
13:33:55 16 frequently than other cars that you've seen?

13:33:59 17 **A.** Not scientifically, but my guess is  
13:34:01 18 just that the materials it's made of and the  
13:34:04 19 corrosive salts and whatnot they use around this  
13:34:06 20 part of the country.

13:34:07 21 **Q.** And do you know, sir, how many times,  
13:34:10 22 say, in a year -- and I understand this is going to  
13:34:13 23 be an approximation, and we can do it by order of

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

31

13:34:15 1 magnitude, too, if you like, where I'll ask, "Hey,  
13:34:18 2 is it between 10 and 20 or a hundred and 200?"  
13:34:22 3 We'll try to nail it down that way.

13:34:24 4 But can you tell me how many times a year  
13:34:26 5 you see mini vans made by FCA US having these type  
13:34:31 6 of problems with their valve stems?

13:34:38 7 **MR. AZAR:** Object to the form.

13:34:39 8 **THE WITNESS:** Maybe 10, 15 times. I mean,  
13:34:42 9 we don't -- we're not a mass tire installer, so we  
13:34:46 10 don't -- you know, a tire shop may see it more than  
13:34:48 11 we do, I guess, is the best way I could say it.

13:34:50 12 But -- we don't do a ton of them for -- for  
13:34:53 13 that reason, but we don't work on a ton of those  
13:35:00 14 cars as well, so --

13:35:00 15 **BY MR. KEACH:**

13:35:01 16 **Q.** All right. But that's something before  
13:35:04 17 you first -- before Tom came in with his vehicle  
13:35:06 18 and -- and asked you to replace his TPMS module,  
13:35:10 19 that's something you knew about beforehand.

13:35:12 20 **A.** They were just starting to get big, I  
13:35:14 21 think, around 2015, because they don't fail  
13:35:17 22 immediately. So if you've got a car that's five  
13:35:19 23 years old, that's probably about the time you're

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

32

13:35:20 1 going to start to see those things.

13:35:22 2 So a 2010, you know, with an aluminum stem  
13:35:27 3 probably will go several years before you start  
13:35:30 4 seeing those issues.

13:35:31 5 **Q.** All right. Did anybody ever come in  
13:35:32 6 and have their TPMS modules replaced that was  
13:35:36 7 involved in a traffic accident?

13:35:38 8 **A.** No.

13:35:38 9 **Q.** Did anybody ever come in and say to you  
13:35:41 10 or your employees, in words or substance, that  
13:35:43 11 their TPMS module failed when they were out on the  
13:35:46 12 highway driving?

13:35:50 13 **A.** Not that I can recall.

13:35:52 14 **Q.** Now, would you agree with me, sir, as  
13:35:55 15 someone who repairs cars, that if one of those  
13:35:59 16 valve stems would fail when someone's going down --  
13:36:02 17 you know, going down the Thruway, that that could  
13:36:05 18 create a safety issue for a driver?

13:36:08 19 **A.** Yes.

13:36:08 20 **MR. AZAR:** Object to the form.

13:36:08 21 **BY MR. KEACH:**

13:36:09 22 **Q.** In fact, that could creat a safety  
13:36:09 23 issue where they'd have to pull off on the side of

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

33

13:36:12 1 the road and try to change a tire when people are  
13:36:13 2 going by 75 miles an hour.

13:36:15 3 **MR. AZAR:** Object to the form.

13:36:15 4 **BY MR. KEACH:**

13:36:16 5 **Q.** Fair to say?

13:36:16 6 **A.** Yes.

13:36:17 7 **Q.** And also could cause a vehicle to lose  
13:36:19 8 control.

13:36:19 9 **MR. AZAR:** Object to the form.

13:36:20 10 **THE WITNESS:** Yes.

13:36:21 11 **BY MR. KEACH:**

13:36:21 12 **Q.** And if you -- do you own any  
13:36:24 13 Chrysler -- or excuse me.

13:36:24 14 Do you own any FCA US products?

13:36:27 15 **A.** Actually, I own the exact same vehicle  
13:36:30 16 that Mr. Hromowyk owns.

13:36:30 17 **Q.** Which is what, the Dodge --

13:36:31 18 **A.** Well, I have the 2010 Chrysler Town &  
13:36:34 19 Country, which is virtually the same thing as the  
13:36:38 20 Caravan.

13:36:39 21 **Q.** And have you had problems with the  
13:36:42 22 valve stems on your Town & Country?

13:36:44 23 **A.** No, I have not. I bought my Town &

**Brown - Keach - 10-8-19**

34

13:36:46 1 Country from the dealer used. My thinking is that  
13:36:49 2 they put four new ones in it before I got it,  
13:36:52 3 because they appear to be in good condition, or  
13:36:53 4 I've just never had any issues with them.

13:36:56 5 Q. All right.

13:36:58 6 A. I purchased the car used. I should say  
13:37:01 7 that, yes, so --

13:37:02 8 Q. So you purchase the car used?

13:37:04 9 A. From a dealer.

13:37:05 10 Q. At what point in time?

13:37:06 11 A. I've had that at least five years now,  
13:37:08 12 so I would say 2014 or so.

13:37:12 13 Q. Well, you don't have any awareness  
13:37:25 14 about the Chrysler Corporation at some point in  
13:37:27 15 time -- excuse me, FCA US making a change to the  
13:37:31 16 composition of the aluminum on the valve stem; fair  
13:37:34 17 to say?

13:37:34 18 A. No, I do not.

13:37:36 19 Q. And you don't know when that change  
13:37:37 20 occurred.

13:37:38 21 MR. AZAR: Object to the form.

13:37:38 22 THE WITNESS: No. We actually -- we stopped  
13:37:40 23 using the aluminum ones at one point. Now they

**Brown - Keach - 10-8-19**

35

13:37:45 1 make them in rubber, which doesn't deteriorate, so  
13:37:51 2 all the -- all the TPMSs we install now are rubber.

13:37:51 3 **BY MR. KEACH:**

13:37:56 4 **Q.** Okay. When you say they make them in  
13:37:57 5 rubber, you mean all the manufacturers or just FCA  
13:38:00 6 US or FCA US and others?

13:38:02 7 **A.** Well, I'm talking about after-market,  
13:38:05 8 you know. After-market tire valve stems from a  
13:38:08 9 parts store like NAPA or one of those places.

13:38:11 10 **Q.** Those are all rubber.

13:38:12 11 **A.** They are all rubber, correct.

13:38:15 12 **Q.** Do you know when that change was made?

13:38:16 13 **A.** They've been around for a few years.

13:38:19 14 I've been putting the rubber ones in for quite a  
13:38:22 15 few years.

13:38:23 16 **Q.** Have you ever seen a rubber valve stem  
13:38:25 17 fail?

13:38:25 18 **A.** It's pretty rare.

13:38:27 19 **Q.** All right. Have you ever seen a valve  
13:38:29 20 stem fail that doesn't involve some sort of damage  
13:38:31 21 to the actual valve stem?

13:38:32 22 **A.** No.

13:38:32 23 **Q.** You've seen it where somebody, you

**Brown - Keach - 10-8-19**

36

13:38:34 1 know, is driving their mommy mobile and hits a curb  
13:38:41 2 going around a corner and bangs up the valve stem,  
13:38:44 3 right?

13:38:44 4 **A.** Right.

13:38:45 5 **MR. AZAR:** Object to the form.

13:38:45 6 **THE WITNESS:** That's about the only time  
13:38:47 7 you'll see those fail.

13:38:47 8 **BY MR. KEACH:**

13:38:49 9 **Q.** Whereas the aluminum valve stems you  
13:38:50 10 saw on Mr. Hromowyk's vehicle and others, they were  
13:38:53 11 failing pretty regularly.

13:38:55 12 **MR. AZAR:** Object to the form.

13:38:57 13 **THE WITNESS:** Yes.

13:38:57 14 **BY MR. KEACH:**

13:38:58 15 **Q.** And based on your perception as the  
13:38:59 16 mechanic, these were failing because of corrosion  
13:39:02 17 given the salt on the roads here in Upstate New  
13:39:06 18 York.

13:39:06 19 **A.** Yes.

13:39:06 20 **Q.** And you don't have any knowledge of --  
13:39:10 21 of the fact that Chrysler Corporation knew that  
13:39:16 22 these valve stems were defective and didn't tell  
13:39:19 23 people, do you?

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**



**Brown - Keach - 10-8-19**

37

13:39:20 1 **MR. AZAR:** Object to the form.

13:39:21 2 **THE WITNESS:** No.

13:39:21 3 **BY MR. KEACH:**

13:39:21 4 **Q.** And you don't have any knowledge of  
13:39:22 5 Chrysler -- or excuse me, FCA US actually doing a  
13:39:26 6 cost-benefit analysis of "If we repair the valve  
13:39:30 7 stems, here's how much it's going to cost versus  
13:39:33 8 doing nothing."

13:39:34 9 **MR. AZAR:** Object to the form.

13:39:34 10 **BY MR. KEACH:**

13:39:35 11 **Q.** You don't know anything about that, do  
13:39:36 12 you?

13:39:37 13 **A.** No.

13:39:37 14 **Q.** So you don't have any knowledge that  
13:39:39 15 Chrysler Corporation decided "Hey, it's going to  
13:39:40 16 cost us millions of dollars to replace these valve  
13:39:43 17 stems, so we're just not going to tell our dealers  
13:39:45 18 or the customers or anybody else about the problems  
13:39:47 19 we're having."

13:39:47 20 **MR. AZAR:** Object to the form.

13:39:48 21 **THE WITNESS:** No.

13:39:50 22 **BY MR. KEACH:**

13:39:51 23 **Q.** Any customers ever complain to you

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

38

13:39:52 1 about the valve stems on the -- you know, on these  
13:39:56 2 vehicles? Well, let me do a better job.

13:40:00 3 You come in, you got to pay a hundred bucks,  
13:40:03 4 basically, to replace one of these things, right?

13:40:05 5 **A.** Yes.

13:40:06 6 **Q.** That's how much -- according to the  
13:40:07 7 invoice that we have here that's Exhibit QQ, it  
13:40:10 8 cost Mr. Hromowyk \$118.62 to replace his TPMS  
13:40:16 9 module, right?

13:40:17 10 It's down at the bottom on your screen  
13:40:20 11 there.

13:40:21 12 **A.** Yes. Can you scroll up on that one for  
13:40:25 13 me?

13:40:25 14 **Q.** Yes, sure.

13:40:31 15 **A.** Yes. Yes. They've come down in price  
13:40:35 16 or -- no, that one's a -- oh, that's one of the --  
13:40:41 17 I believe that's one of the updated valves.

13:40:44 18 **Q.** Okay.

13:40:44 19 **A.** We get them from different suppliers  
13:40:46 20 when you mention that price, because some of the  
13:40:48 21 times we're only \$71 or \$70 for the valve, so --

13:40:52 22 **Q.** All right. So had anybody ever come to  
13:40:56 23 you and complained and said, "My God, you know,

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

39

13:40:58 1 I've had multiple of these stems fail in my car.

13:41:00 2 What's the problem here?"

13:41:02 3 **MR. AZAR:** Object to the form.

13:41:02 4 **THE WITNESS:** Maybe a couple. I don't know  
13:41:04 5 if they were all referring to Chrysler vehicles or  
13:41:07 6 not, but I would say a couple people have said --  
13:41:13 7 mentioned their dissatisfaction with the -- with  
13:41:16 8 the tire.

13:41:16 9 **BY MR. KEACH:**

13:41:16 10 **Q.** Well, yes, I mean, you know, people --  
13:41:18 11 people are people. They're dissatisfied when they  
13:41:20 12 come to the mechanic all the time, because they've  
13:41:22 13 got to pay money, right?

13:41:23 14 **A.** Nobody wants to go get their car fixed.

13:41:26 15 **Q.** Myself included.

13:41:27 16 **A.** Yes.

13:41:27 17 **Q.** And so -- you know, so a couple of  
13:41:30 18 these people said, in words or substance, you know,  
13:41:33 19 "Why are these things -- why are these things going  
13:41:36 20 bad, why do I got to pay," basically, words or  
13:41:38 21 substance, right?

13:41:38 22 **MR. AZAR:** Object to the form.

13:41:39 23 **THE WITNESS:** Yes.

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

40

13:41:39 1 **BY MR. KEACH:**

13:41:40 2 **Q.** And what did you tell them?

13:41:41 3 **A.** Corrosion.

13:42:15 4 **Q.** Have you ever attempted to contact an  
13:42:26 5 FCA US dealer about the valve stems on these Dodge  
13:42:31 6 or Chrysler mini vans?

13:42:33 7 **A.** No.

13:42:33 8 **Q.** Do you know whether or not any people  
13:42:37 9 that have come to see you have tried to contact an  
13:42:39 10 FCA US dealer about these valve stems?

13:42:41 11 **A.** No.

13:42:42 12 **Q.** Do you know whether or not anybody  
13:42:44 13 that -- you know, any of your customers have ever  
13:42:47 14 called FCA US's customer care center and complained  
13:42:50 15 about the valve stems on these vehicles?

13:42:51 16 **A.** No.

13:42:52 17 **Q.** Now, I want to get back to just  
13:43:03 18 briefly -- we're going to get back to the receipts  
13:43:09 19 in just a moment, but when you filled out this  
13:43:12 20 affidavit pursuant to Mr. Azar's request, did he  
13:43:16 21 indicate to you that we wanted to talk to you as  
13:43:18 22 well?

13:43:19 23 **MR. AZAR:** Object to the form.

**Brown - Keach - 10-8-19**

41

13:43:20 1           **THE WITNESS:** I don't recall.

13:43:21 2           **BY MR. KEACH:**

13:43:22 3           **Q.** Okay. Do you know -- do you remember a  
13:43:24 4 guy by the name of Gary Graifman calling in to your  
13:43:29 5 dealership and trying to talk to you?

13:43:30 6           **A.** No, I do not.

13:43:31 7           **Q.** Okay. All right. I'm going to show  
13:44:15 8 you what we're going to mark as Exhibit RR.

13:44:15 9   **The following was marked for Identification:**

10           **HROMOWYK EXH. RR           Exhibit D, Declaration of**  
11   **Jarrold Brown**

13:44:21 12           **BY MR. KEACH:**

13:44:22 13           **Q.** Okay. Have you got that on your screen  
13:44:25 14 there? It should stay Exhibit D, and it has an  
13:44:25 15 Exhibit sticker at the bottom?

13:44:30 16           Do you have the page in front of you, sir?

13:44:31 17           **A.** Nothing's up on my thing.

13:44:33 18           **Q.** Nothing's up on your thing.

13:44:35 19           **A.** There we go, Exhibit D.

13:44:37 20           **Q.** Okay. And so this is Exhibit RR. This  
13:44:39 21 is a document that FCA US filed attempting actually  
13:44:44 22 to sanction my office and my co-counsel claiming  
13:44:47 23 that we somehow were involved in the destruction of

**Brown - Keach - 10-8-19**

42

13:44:50 1 these valve stems.

13:44:51 2 **MR. AZAR:** Object to the form.

13:44:51 3 **BY MR. KEACH:**

13:44:52 4 **Q.** Which probably, when we're done with  
13:44:54 5 your testimony today, I'll be firing off a Rule 11  
13:45:01 6 letter to them detailing my satisfaction and  
13:45:03 7 cross-moving for sanctions against them once I get  
13:45:06 8 leave from the Court.

13:45:07 9 But these things being said, you know, this  
13:45:10 10 was filed, again, in a proceeding claiming that --  
13:45:12 11 that Mr. Hromowyk, your customer, had -- was  
13:45:15 12 involved in an effort to destroy evidence in this  
13:45:19 13 consumer class action case, and your affidavit is  
13:45:22 14 being used for the purposes of demonstrating that.

13:45:26 15 You didn't know that before you provided  
13:45:28 16 this affidavit to FCA US, did you?

13:45:31 17 **MR. AZAR:** Object to the form.

13:45:31 18 **THE WITNESS:** I don't believe so.

13:45:33 19 **BY MR. KEACH:**

13:45:34 20 **Q.** Okay. And if you had known that before  
13:45:35 21 you provided this affidavit to FCA US, would you  
13:45:38 22 have done so?

13:45:39 23 **MR. AZAR:** Object to the form.

**Brown - Keach - 10-8-19**

43

13:45:39 1           **THE WITNESS:** Probably not without some  
13:45:41 2 counsel first.

13:45:41 3           **BY MR. KEACH:**

13:45:42 4           **Q.** Yes, that brings up an interesting  
13:45:44 5 point. Did Mr. Azar invite you to get your own  
13:45:47 6 lawyer before filling this out?

13:45:49 7           **A.** No, but I did speak with my own lawyer  
13:45:52 8 prior on my own.

13:45:53 9           **Q.** Okay.

13:45:54 10          **A.** Before this.

13:45:54 11          **Q.** Did Mr. Azar tell you that you may be  
13:45:56 12 required to testify in person at a spoliation  
13:45:59 13 hearing in Albany as a result of your affidavit?

13:46:01 14          **A.** Not that I recall.

13:46:02 15          **MR. AZAR:** Object to the form.

13:46:02 16          **BY MR. KEACH:**

13:46:03 17          **Q.** Did Mr. Azar tell you that -- that --  
13:46:06 18 that the Plaintiffs' counsel wanted to take your  
13:46:09 19 testimony as well so that we could have an informed  
13:46:12 20 discussion about what went on?

13:46:13 21          **MR. AZAR:** Object to the form.

13:46:14 22          **THE WITNESS:** I don't recall that.

13:46:15 23          **BY MR. KEACH:**

**Brown - Keach - 10-8-19**

44

13:46:16 1 Q. Okay. Well, let's go -- how many times  
13:46:23 2 did you talk on the phone with Mr. Azar?

13:46:28 3 A. I believe most of our communication was  
13:46:30 4 email. Maybe once or twice. I can't remember, if  
13:46:36 5 at all. Did I?

13:46:42 6 I can't remember if I ever spoke to him on  
13:46:44 7 the phone or not. I may have; I may not have. I  
13:46:46 8 know we communicated with emails, and I'm -- I  
13:46:49 9 don't recall.

13:46:49 10 Q. And do you have a copy of those emails?

13:46:53 11 A. Well, probably somewhere, yes.

13:46:55 12 Q. All right. I mean, I'm assuming you  
13:46:59 13 could look through your emails and use the search  
13:47:02 14 term Azar and find all Tom's emails.

13:47:04 15 A. Yes, I can find those.

13:47:05 16 Q. Because unless you're talking about a  
13:47:08 17 bazaar, you know, there's really no other word  
13:47:11 18 choice for Azar. That's a unique last name.

13:47:14 19 A. No, it would definitely be in there. I  
13:47:16 20 don't delete anything or go around --

13:47:17 21 Q. All right. I'm going to follow up with  
13:47:19 22 a short letter to you. If you need me to send you  
13:47:22 23 a subpoena, I will. Hopefully you don't need that,

**JACK W. HUNT & ASSOCIATES, INC.****1120 Liberty Building****Buffalo, New York 14202 - (716) 853-5600**



**Brown - Keach - 10-8-19**

45

13:47:25 1 and I'm going to ask you send those on to me so  
13:47:28 2 that I can look at them, okay?

13:47:29 3 **A.** Okay.

13:47:30 4 **Q.** All right. And so let's talk about  
13:47:39 5 point 2 in your affidavit, which you have in front  
13:47:42 6 of you, again, as Exhibit RR.

13:47:46 7 Do you see this in front of you --

13:47:47 8 **A.** Yes, I do.

13:47:48 9 **Q.** -- on the screen? Okay. So we're  
13:47:50 10 going to call that out for you.

13:47:52 11 Okay. Under Brownie's normal practice, if a  
13:47:55 12 customer requests that a removed part or component  
13:47:57 13 be returned to the customer after service is  
13:48:00 14 completed, that request will be specifically noted  
13:48:02 15 in the labor description portion of the customer's  
13:48:04 16 invoice, correct?

13:48:05 17 **A.** Yes.

13:48:05 18 **Q.** And we have -- you and I, working  
13:48:07 19 together talking today, have established that if  
13:48:11 20 Mr. Hromowyk has these TPMS modules in his  
13:48:15 21 possession, that what happened on that occasion is  
13:48:18 22 whoever filled out the paperwork just didn't note  
13:48:21 23 it; fair to say?

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

46

13:48:22 1           **MR. AZAR:** Object to the form. Assumes  
13:48:23 2 facts not in evidence.

13:48:24 3           **MR. KEACH:** You can object to the form.

13:48:25 4           **BY MR. KEACH:**

13:48:26 5           **Q.** Go ahead. You can answer the question.

13:48:27 6           **A.** That's what I can assume, is that he  
13:48:29 7 asked for them and it was not noted on the invoice.

13:48:31 8           It should be. That's our -- our standard  
13:48:33 9 practice. That's the way mistakes don't happen.  
13:48:36 10 When somebody asks you to do something, the service  
13:48:38 11 writer should put it on the invoice so it's not a  
13:48:41 12 matter of it being in everybody's memory.

13:48:44 13           **Q.** All right. I understand and appreciate  
13:48:46 14 that.

13:48:46 15           **A.** That's the proper way to do it.

13:48:48 16           **Q.** But you're repairing in your dealership  
13:48:50 17 what, 30, 40 cars a day? Or not in your  
13:48:50 18 dealership, excuse me. In your shop?

13:48:53 19           **A.** Yes, no, we're -- we're a smaller auto  
13:48:55 20 repair shop, and we probably do 10 to 15 cars a  
13:48:59 21 day.

13:48:59 22           **Q.** All right. But -- so if you do 10 to  
13:49:01 23 15 cars a day, that's over 3,000 cars a year.

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

47

13:49:03 1           **A.**     Sure.

13:49:04 2           **Q.**     Okay.   And so -- so I just want to be  
13:49:07 3 clear:

13:49:08 4           Did Mr. Azar tell you before he asked you to  
13:49:10 5 fill out this affirmation that the three valve  
13:49:16 6 stems in question that were -- that were replaced  
13:49:18 7 by your body shop were in the custody of the  
13:49:22 8 Plaintiffs' counsel?

13:49:23 9           **MR. AZAR:**   Object to the form.

13:49:24 10          **THE WITNESS:**   I don't recall that.

13:49:25 11          **BY MR. KEACH:**

13:49:25 12          **Q.**     Okay.   Did he tell you that FCA US had  
13:49:29 13 been given a specific offer by the Plaintiffs'  
13:49:32 14 counsel to come and view these valve stems at their  
13:49:35 15 leisure or have their expert witness look at them?

13:49:38 16          **MR. AZAR:**   Object to the form.

13:49:39 17          **THE WITNESS:**   No.

13:49:39 18          **BY MR. KEACH:**

13:49:40 19          **Q.**     No.   All right.   So if you would have  
13:49:42 20 known that Mr. Hromowyk -- three of Mr. Hromowyk's  
13:49:48 21 valve stems were in the custody of the Plaintiffs'  
13:49:50 22 counsel, would you have filled out this affidavit  
13:49:52 23 as -- as you've detailed here?

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

48

13:49:54 1 **MR. AZAR:** Object to the form.

13:49:54 2 **THE WITNESS:** I don't know, to be honest  
13:49:57 3 with you. The -- the -- the one that I -- I got  
13:50:02 4 before, I -- I sent a copy to my attorney just to  
13:50:05 5 glance at it for me, and they told me, you know,  
13:50:07 6 just go in and -- you know, with the information  
13:50:09 7 that was there.

13:50:09 8 **BY MR. KEACH:**

13:50:10 9 **Q.** Don't tell me what your lawyer told  
13:50:12 10 you.

13:50:12 11 **A.** Okay. I don't know what I should say,  
13:50:15 12 then.

13:50:15 13 **Q.** Let me do a better job, because I don't  
13:50:18 14 want to violate the privilege that you have with  
13:50:19 15 your counsel.

13:50:20 16 **A.** Sure.

13:50:20 17 **Q.** Okay? So I can ask you a series of yes  
13:50:23 18 or no questions that I think will address this  
13:50:24 19 without you having to reveal what you talked about  
13:50:26 20 with your lawyer, okay?

13:50:27 21 **A.** Okay.

13:50:28 22 **Q.** You sent this to your lawyer. He took  
13:50:29 23 a look at it.

**Brown - Keach - 10-8-19**

49

13:50:30 1           **A.**     Yes.

13:50:31 2           **Q.**     And then your lawyer indicated that he  
13:50:35 3 didn't have any problem with you signing this.

13:50:37 4           **A.**     Yes.

13:50:38 5           **Q.**     Okay. Well, so going back to my prior  
13:50:50 6 question, I know -- I think your answer was "I  
13:50:52 7 don't know."

13:50:53 8           You know, did you talk to Tom before you --  
13:50:54 9 before you signed this?

13:50:56 10          **A.**     Mr. Hromowyk?

13:50:56 11          **Q.**     Yes.

13:50:56 12          **A.**     No, I did not.

13:50:58 13          **Q.**     All right. And did you know about this  
13:50:59 14 lawsuit -- well, I mean, you knew about it because  
13:51:02 15 you got a subpoena for documents. Did you know  
13:51:05 16 about it beforehand by talking to Tom --  
13:51:08 17 Mr. Hromowyk?

13:51:08 18          **MR. AZAR:** Object to the form.

13:51:09 19          **THE WITNESS:** No, I did not, but I  
13:51:11 20 personally don't believe I've actually spoken to  
13:51:15 21 Mr. Hromowyk in probably a couple years, because I  
13:51:17 22 don't -- I don't work the office, as I said, that  
13:51:19 23 part of the shop, so I don't interact as much with

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

50

13:51:22 1 the customers as the service manager would.

13:51:25 2 **BY MR. KEACH:**

13:51:25 3 **Q.** All right. And is -- if somebody comes  
13:51:28 4 in and says, "Hey, I want to keep the parts," are  
13:51:30 5 they required to give you a reason why that's the  
13:51:32 6 case?

13:51:33 7 **A.** No.

13:51:33 8 **Q.** All right. And just so I'm clear,  
13:51:35 9 you're going to do the amount of work -- as the  
13:51:38 10 mechanic, you're going to do the amount of work  
13:51:41 11 necessary to remove that part to -- to replace it;  
13:51:46 12 fair to say?

13:51:46 13 **A.** Yes.

13:51:47 14 **Q.** You're not going to be in the business  
13:51:48 15 of gratuitously damaging -- damaging a part to get  
13:51:53 16 it out of the car.

13:51:54 17 **A.** Absolutely not.

13:51:55 18 **Q.** Unless you have to.

13:51:56 19 **A.** If it's stuck and jammed, maybe you  
13:51:59 20 have to beat it out of there, but for the most  
13:52:01 21 part, we're not hammer mechanics. That's not --  
13:52:04 22 you know, that's not what we do, so --

13:52:06 23 **Q.** If there was some sort of a problem

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

51

13:52:09 1 where a -- you know, there had to be some hammering  
13:52:12 2 done and that type of thing, would that be  
13:52:14 3 reflected in the invoice given to the customer?

13:52:16 4 **A.** No.

13:52:16 5 **Q.** All right. How about if you had to --  
13:52:18 6 you know, the only reason I know this is from my  
13:52:22 7 Jeep, you know. Like I've been told, given the  
13:52:28 8 amount of rust I have on the bottom of my Jeep from  
13:52:33 9 off-roading, that if I want to replace certain  
13:52:35 10 parts in the future, they're going to have to fire  
13:52:37 11 up the blowtorch and melt them off.

13:52:39 12 If you do that type of work to get rid of a  
13:52:41 13 part, is that going to be reflected on the invoice?

13:52:44 14 **A.** No.

13:52:44 15 **Q.** Even if it requires more labor?  
13:52:47 16 Because I'm assuming melting off a part is going to  
13:52:49 17 take additional time.

13:52:50 18 **A.** We -- we pretty well stick to our  
13:52:55 19 estimates. Like we know what's -- what something's  
13:52:58 20 going to take when we do it, and if a job calls for  
13:53:01 21 an hour and a half labor, let's say, and I know I'm  
13:53:03 22 going to have to get the torch out and do this and  
13:53:06 23 that, I'll -- I'll quote that in the initial job,

**JACK W. HUNT & ASSOCIATES, INC.***1120 Liberty Building**Buffalo, New York 14202 - (716) 853-5600*

**Brown - Keach - 10-8-19**

52

13:53:09 1 you know, when I -- when I sell the job, when the  
13:53:12 2 customer's called, you know what I mean?

13:53:14 3 But we won't go into detail with them  
13:53:14 4 saying, "Well, you know, we got to get the torch  
13:53:14 5 out, we got to melt this, so it's going to cost you  
13:53:19 6 40 bucks more." We just give them the price type  
13:53:21 7 of deal.

13:53:21 8 **Q.** Got you.

13:53:22 9 **A.** We would never use a torch on a tire  
13:53:24 10 pressure monitor.

13:53:25 11 **Q.** Right. I'm just using that as a point  
13:53:27 12 of reference so I can understand what you do.

13:53:30 13 **A.** Got you.

13:53:31 14 **Q.** You're going to do what you need to do  
13:53:32 15 to get the part off, and then if the customer wants  
13:53:35 16 it back, you give it to him, right?

13:53:37 17 **A.** Yes. Yes.

13:53:37 18 **Q.** You're not going to be in the business  
13:53:38 19 of "Well, hey, Tom Hromowyk wants his part back, so  
13:53:40 20 let's take a hammer to it and crack at it before we  
13:53:43 21 give it back to him"; fair to say?

13:53:44 22 **A.** Absolutely not, yes.

13:53:45 23 **Q.** All right. So let's go to paragraph 3.



**Brown - Keach - 10-8-19**

53

13:53:51 1 Well, let me step back. And I want to just circle  
13:53:56 2 back to this.

13:53:58 3 If you knew that Mr. Hromowyk had three of  
13:54:03 4 the -- all three of the valve stems that your  
13:54:05 5 dealership removed from his car, would that have  
13:54:09 6 changed your willingness to fill out this  
13:54:12 7 affidavit --

13:54:12 8 **MR. AZAR:** Object to the form.

13:54:12 9 **BY MR. KEACH:**

13:54:13 10 **Q.** -- for FCA US?

13:54:16 11 **A.** No, I don't believe it really would  
13:54:18 12 have, because if the -- I don't -- I actually don't  
13:54:25 13 see why it would have.

13:54:26 14 I mean, if a customer asked for his old  
13:54:29 15 parts and he has them, I don't -- I wouldn't see  
13:54:32 16 the harm, I guess, in --

13:54:35 17 **Q.** In -- in what?

13:54:36 18 **A.** In filling out the affidavit.

13:54:38 19 **Q.** Okay. Well, if you knew that Tom had  
13:54:41 20 all three of his valve stems, would that have  
13:54:44 21 changed what you were willing to affirm?

13:54:45 22 Because what you've affirmed here -- and  
13:54:47 23 I'll just step back and make clear I'm not accusing

**JACK W. HUNT & ASSOCIATES, INC.***1120 Liberty Building**Buffalo, New York 14202 - (716) 853-5600*

**Brown - Keach - 10-8-19**

54

13:54:50 1 you of any wrongdoing, but what you've affirmed  
13:54:53 2 here is affirmed under penalty of perjury.

13:54:56 3 You know, would you have taken a different  
13:54:58 4 look at this, filling out this affidavit, if you  
13:55:01 5 knew that Tom had these parts?

13:55:02 6 **MR. AZAR:** Object to the form.

13:55:03 7 **THE WITNESS:** I -- I don't believe I would  
13:55:05 8 have, because I already knew he was at least in  
13:55:08 9 possession of one of them, so I don't know what --  
13:55:11 10 what the difference to me would have been if he was  
13:55:12 11 in possession of one, two, three, or all four. I  
13:55:17 12 don't -- you know.

13:55:18 13 **BY MR. KEACH:**

13:55:19 14 **Q.** Okay. Can you explain to me why it  
13:55:26 15 took Chrysler's lawyers over a month to give us a  
13:55:30 16 copy of your declaration?

13:55:32 17 **MR. AZAR:** Object to the form. Also  
13:55:33 18 misstates the record.

13:55:34 19 **THE WITNESS:** No idea.

13:55:37 20 **MR. AZAR:** Egregiously.

13:55:37 21 **BY MR. KEACH:**

13:55:38 22 **Q.** Okay. And -- well, you were supposed  
13:55:42 23 to come at one point and testify, right?

**Brown - Keach - 10-8-19**

55

13:55:44 1           **A.**     Yes.

13:55:45 2           **Q.**     Okay.   And then -- so -- and you knew  
13:55:49 3   that there was a later date you were going to have  
13:55:50 4   to testify, correct?

13:55:51 5           **A.**     Once -- once I got the email, which was  
13:55:57 6   after -- it may have been after I did this  
13:56:01 7   deposition thing -- originally, we were hoping --  
13:56:08 8   or I was hoping that it may have been cleared up by  
13:56:12 9   just taking care of this.

13:56:13 10           That's kind of what I thought.   Put it that  
13:56:17 11   way.

13:56:18 12           **Q.**     Is that what you were told?

13:56:19 13           **A.**     I wasn't guaranteed that.   I was told  
13:56:22 14   that possibly this may be all we have to -- to do,  
13:56:27 15   essentially.

13:56:27 16           **Q.**     Who told you that?

13:56:28 17           **A.**     I believe it was Mr. Azar.

13:56:30 18           **Q.**     So Mr. Azar told you that if you fill  
13:56:33 19   out this affidavit, that may just resolve your need  
13:56:36 20   to testify, correct?

13:56:37 21           **MR. AZAR:**   Object to the form.

13:56:38 22           **THE WITNESS:**   He said -- yes, it wasn't  
13:56:42 23   guaranteed, but he said he was trying to take care

**Brown - Keach - 10-8-19**

56

13:56:44 1 of this without me having to come and go through  
13:56:46 2 something such as this, I guess is the best I can  
13:56:49 3 remember it. I'll put it that way.

13:56:49 4 **BY MR. KEACH:**

13:56:51 5 **Q.** And was that -- that was in writing in  
13:56:53 6 the form of an email, or was that on the phone?

13:56:55 7 **A.** That I don't recall. I'd have to look  
13:56:57 8 at the emails and see, but that may have been on  
13:56:59 9 the phone.

13:57:00 10 I don't remember if I talked to him or it  
13:57:01 11 was emails. I may have spoken with him. I  
13:57:04 12 don't --

13:57:04 13 **Q.** Okay. Well, let's move on to  
13:57:09 14 paragraph 3, and I'm going to read it into the  
13:57:11 15 record, because it's on two pages.

13:57:13 16 On or about February 17th, 2017, Brownie's  
13:57:18 17 removed and replaced the right front tire pressure  
13:57:21 18 monitoring system sensor in Thomas Hromowyk's  
13:57:24 19 late -- Thomas Hromowyk's model-year 2010 Dodge  
13:57:29 20 Grand Caravan vehicle. Mr. Hromowyk did not inform  
13:57:35 21 Brownie's of any planned or pending lawsuit  
13:57:38 22 relating to this component.

13:57:39 23 So let's stop and talk about that for a

**JACK W. HUNT & ASSOCIATES, INC.****1120 Liberty Building****Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

57

13:57:42 1 moment.

13:57:42 2 **A.** Okay.

13:57:42 3 **Q.** You didn't talk to Mr. Hromowyk about  
13:57:46 4 the removal of that valve stem, correct?

13:57:49 5 **A.** Not personally, no.

13:57:50 6 **Q.** Okay. And did you try to talk to  
13:57:53 7 anybody that worked at your dealership about  
13:57:58 8 whether or not Mr. Hromowyk told them, "Hey, I need  
13:58:00 9 this back because there's a lawsuit against  
13:58:01 10 Chrysler for these defective valve stems"?

13:58:04 11 **A.** No, because the person who was our  
13:58:07 12 manager at that time in 2017 or whatever it was you  
13:58:10 13 said, he is -- he is no longer around, you know,  
13:58:13 14 employed by us, so it was -- he would have been the  
13:58:15 15 only one I could have asked about it, but --

13:58:18 16 **Q.** All right. But then how can you  
13:58:20 17 affirm -- and I'll quote -- Mr. Hromowyk did not  
13:58:23 18 inform Brownie's of any planned or pending lawsuit  
13:58:25 19 relating to this component?

13:58:27 20 **A.** I guess I personally cannot confirm  
13:58:29 21 that.

13:58:30 22 **Q.** Okay.

13:58:31 23 **A.** But I think at the time, if somebody

**Brown - Keach - 10-8-19**

58

13:58:33 1 had mentioned a lawsuit to my service manager, he  
13:58:37 2 most likely would have -- that's something he  
13:58:39 3 probably would have said to me, you know.

13:58:41 4 **Q.** All right. But we've established --  
13:58:44 5 and if you have -- do you have the invoice from  
13:58:47 6 2017 in front of you? It would be February 17th,  
13:58:50 7 2017.

13:58:50 8 **A.** Yes, I do.

13:58:51 9 **Q.** All right. Does that say anything  
13:58:52 10 about Mr. Hromowyk asking for his part back?

13:58:56 11 **A.** No, it does not.

13:58:57 12 **Q.** All right. And we -- and -- but will  
13:58:59 13 you accept my representation that Mr. Hromowyk, in  
13:59:01 14 fact, has that part?

13:59:03 15 **MR. AZAR:** Object to the form. Accept your  
13:59:05 16 representation on what? Are you asking him to  
13:59:07 17 assume for the purpose of this deposition --

13:59:10 18 **MR. KEACH:** You can to object to the form.  
13:59:11 19 He's fully capable of answering my question. Stop  
13:59:13 20 it.

13:59:13 21 **MR. AZAR:** Your question doesn't make sense.

13:59:15 22 **MR. KEACH:** Save me -- you know, you came  
13:59:16 23 here the last time I saw you, and you gave me your

**JACK W. HUNT & ASSOCIATES, INC.**

1120 Liberty Building

Buffalo, New York 14202 - (716) 853-5600

**Brown - Keach - 10-8-19**

59

13:59:18 1 little soapbox lecture about how you're supposed to  
13:59:19 2 conduct yourself during a deposition.

13:59:20 3 **MR. AZAR:** Uh-huh.

13:59:21 4 **MR. KEACH:** Apply the same standards to  
13:59:22 5 yourself.

13:59:24 6 **MR. AZAR:** I believe you've just asked this  
13:59:25 7 witness to make an assumption on the record for  
13:59:28 8 purposes of testimony. If that assumption is what  
13:59:31 9 you want him to assume, I think you need to make  
13:59:33 10 that clear.

13:59:34 11 **MR. KEACH:** You can object to the form.  
13:59:34 12 He's not your -- he's not your client.

13:59:36 13 **THE WITNESS:** Being that I didn't personally  
13:59:37 14 speak to Mr. Hromowyk at that time, it is true that  
13:59:40 15 I can only assume that he is in possession of that  
13:59:43 16 tire valve stem --

13:59:44 17 **BY MR. KEACH:**

13:59:45 18 **Q.** Okay.

13:59:45 19 **A.** -- from our other service manager.

13:59:47 20 **Q.** All right. Well, he has it, and --

13:59:49 21 **A.** Right.

13:59:49 22 **Q.** -- we've provided it to the Chrysler  
13:59:52 23 Corporation, who has failed to look at it and --

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

60

13:59:54 1 **MR. AZAR:** Object to the form.

13:59:54 2 **BY MR. KEACH:**

13:59:55 3 **Q.** -- instead has claimed that we  
13:59:56 4 destroyed evidence, which I have a feeling is going  
14:00:00 5 to get a warm reception in Albany.

14:00:10 6 Okay. So -- so we can confirm that this  
14:00:18 7 sentence about Mr. Hromowyk not informing Brownie's  
14:00:21 8 of any planned or pending lawsuit relating to  
14:00:24 9 his -- this component, you don't know that to be  
14:00:26 10 true, correct?

14:00:27 11 **A.** Correct.

14:00:27 12 **MR. AZAR:** Object to the form.

14:00:28 13 **THE WITNESS:** I did not speak to him myself.

14:00:28 14 **BY MR. KEACH:**

14:00:30 15 **Q.** Okay. And so you -- by signing this,  
14:00:32 16 you were relying on the language that Mr. Azar  
14:00:35 17 provided you rather than your own perception of  
14:00:39 18 events; fair to say?

14:00:41 19 **MR. AZAR:** Object to the form.

14:00:42 20 **THE WITNESS:** Yes, I was never -- I never  
14:00:44 21 spoke to Mr. Hromowyk about any lawsuit, and if --  
14:00:51 22 typically, like I said, if there was -- somebody  
14:00:54 23 brings up the word lawsuit when we're working on a

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**



**Brown - Keach - 10-8-19**

61

14:00:57 1 car, usually that will get around the shop, and  
14:00:59 2 somebody would typically say something to me, you  
14:01:01 3 know, the manager on duty at the time or whatever,  
14:01:03 4 but --

14:01:04 5 **BY MR. KEACH:**

14:01:04 6 **Q.** But you can't affirm that today,  
14:01:06 7 correct?

14:01:08 8 **A.** That's correct.

14:01:09 9 **Q.** All right. So that brings us to the  
14:01:10 10 next sentence:

14:01:11 11 Brownie's was not told by Mr. Hromowyk that  
14:01:13 12 the removed component was evidence in any planned  
14:01:15 13 or pending lawsuit.

14:01:17 14 You don't know whether or not that's true  
14:01:18 15 either, do you?

14:01:19 16 **A.** Not personally, no.

14:01:21 17 **Q.** Okay. And you don't have any  
14:01:22 18 secondhand knowledge that that's true, true?

14:01:25 19 **A.** That's correct.

14:01:25 20 **Q.** And same for the preceding sentence.  
14:01:27 21 You don't have any secondhand knowledge that that's  
14:01:30 22 true either, do you?

14:01:30 23 **A.** That's correct.

**Brown - Keach - 10-8-19**

62

14:01:31 1 Q. Okay. So it says here:

14:01:34 2 Brownie's was not asked to take any special  
14:01:36 3 precaution to avoid altering the component while  
14:01:38 4 removing or handling it, nor was Brownie's asked to  
14:01:42 5 not dispose of the component after removal.

14:01:46 6 That's not true either, is it?

14:01:48 7 **MR. AZAR:** Object to the form.

14:01:55 8 **THE WITNESS:** Brownie's was not asked to  
14:01:57 9 take any special precautions -- if -- if there --  
14:02:01 10 if we were asked to take special precautions, it  
14:02:04 11 typically should have been noted on the -- on the  
14:02:07 12 invoice.

14:02:07 13 And nor was Brownie's asked to dispose --

14:02:13 14 **BY MR. KEACH:**

14:02:14 15 Q. I'm going to do a better job. I'm  
14:02:16 16 going to do a better job of walking through this,  
14:02:18 17 because that's a compound -- that's a compound  
14:02:20 18 sentence, so we're going to break it down.

14:02:22 19 A. Okay.

14:02:22 20 Q. Okay. Brownie's was not asked to take  
14:02:24 21 any special precaution to avoid altering the  
14:02:27 22 component while removing or handling it.

14:02:29 23 You don't know whether that's true or not,

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

63

14:02:31 1 correct?

14:02:32 2 **A.** Not that I'm aware of, right.

14:02:33 3 **Q.** And you don't have any secondhand  
14:02:35 4 knowledge to inform you about whether or not that's  
14:02:37 5 true, correct?

14:02:37 6 **A.** That's correct.

14:02:38 7 **MR. AZAR:** Object to the form.

14:02:38 8 **BY MR. KEACH:**

14:02:39 9 **Q.** All right. And so -- and then it goes  
14:02:41 10 on in the next part of the sentence:

14:02:44 11 Nor was Brownie's asked to not dispose of  
14:02:47 12 the component after removal.

14:02:47 13 You don't know whether that's true, do you?

14:02:49 14 **MR. AZAR:** Object to the form.

14:02:49 15 **THE WITNESS:** I can't -- I can't say for  
14:02:52 16 certain, as I didn't speak to him.

14:02:54 17 **BY MR. KEACH:**

14:02:54 18 **Q.** Okay. And you don't have any  
14:02:55 19 secondhand information about whether or not that's  
14:02:57 20 true either, correct?

14:02:58 21 **A.** Correct.

14:02:58 22 **Q.** All right. Now, if Mr. Azar had  
14:03:01 23 informed you at the time that you went to prepare

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

64

14:03:04 1 this affirmation that was submitted in federal  
14:03:08 2 court under penalty of perjury that Mr. Hromowyk  
14:03:10 3 did, in fact, have this component and invited him  
14:03:13 4 and his fellow counsel to look at it, would that  
14:03:16 5 have changed what you affirmed?

14:03:18 6 **MR. AZAR:** Object to the form.

14:03:28 7 **BY MR. KEACH:**

14:03:29 8 **Q.** All right. Well, let me do a better  
14:03:30 9 job of phrasing it.

14:03:31 10 If you were told before you filled out this  
14:03:33 11 affirmation that Mr. Hromowyk, in fact, had  
14:03:36 12 possession of the valve stem that was removed in  
14:03:39 13 February of 2017, would you have affirmed this way  
14:03:45 14 saying that Brownie's --

14:03:46 15 **MR. AZAR:** Objection.

14:03:46 16 **BY MR. KEACH:**

14:03:47 17 **Q.** -- was not asked to dispose of the  
14:03:49 18 component after removal?

14:03:50 19 **MR. AZAR:** Object to the form. Assumes  
14:03:51 20 facts not in evidence.

14:03:54 21 **THE WITNESS:** I -- I don't know if it would  
14:04:02 22 have changed, because I -- like I said, I don't  
14:04:04 23 have a record of him asking for it. I can only go

**Brown - Keach - 10-8-19**

65

14:04:07 1 by what's on the invoice itself.

14:04:09 2 **BY MR. KEACH:**

14:04:10 3 **Q.** Right.

14:04:10 4 **A.** So --

14:04:10 5 **Q.** But obviously, we've established that  
14:04:13 6 if Mr. Hromowyk asked for the -- had the part, then  
14:04:15 7 he must have asked for it, because that's your  
14:04:18 8 practice. You chuck the parts that are defective  
14:04:20 9 and you replace them, correct?

14:04:21 10 **A.** Correct.

14:04:21 11 **MR. AZAR:** Object to the form.

14:04:22 12 **BY MR. KEACH:**

14:04:22 13 **Q.** So if Mr. Hromowyk had the part, that  
14:04:25 14 means he asked for it, didn't he?

14:04:25 15 **MR. AZAR:** Object to the form.

14:04:25 16 **THE WITNESS:** If he has the exact part that  
14:04:27 17 came out of his vehicle from our shop, he must have  
14:04:30 18 asked for it.

14:04:30 19 **BY MR. KEACH:**

14:04:31 20 **Q.** Okay. And so that would mean that if  
14:04:32 21 he has the part, that this particular part of the  
14:04:36 22 sentence is not true --

14:04:37 23 **MR. AZAR:** Object to --

**Brown - Keach - 10-8-19**

66

14:04:38 1 **BY MR. KEACH:**

14:04:39 2 **Q.** -- where it says Brownie's was not  
14:04:40 3 asked to dispose of the component after removal.

14:04:42 4 **MR. AZAR:** Object to the form.

14:04:45 5 **BY MR. KEACH:**

14:04:45 6 **Q.** And I -- I got to do a better job.  
14:04:47 7 Brownie's was asked to not dispose -- let me do it  
14:04:51 8 one -- one more time. Let's try that again.

14:04:53 9 If Mr. Hromowyk has the part in question  
14:04:56 10 that was removed from his vehicle on February 17th,  
14:04:59 11 2017, this part of your affidavit where you say  
14:05:02 12 "nor was Brownie's asked by Mr. Hromowyk to not  
14:05:06 13 dispose of the component after removal" -- that  
14:05:09 14 would be false, wouldn't it?

14:05:10 15 **MR. AZAR:** Objection.

14:05:10 16 **THE WITNESS:** If Mr. Hromowyk is in  
14:05:11 17 possession of that particular valve stem, then this  
14:05:14 18 would be false, that's correct.

14:05:21 19 **BY MR. KEACH:**

14:05:22 20 **Q.** All right. So if Mr. Azar had informed  
14:05:24 21 you that Mr. Hromowyk, in fact, had his valve stem  
14:05:27 22 from the February 17th, 2017 service with your  
14:05:32 23 company, would you have affirmed this way?

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

67

14:05:35 1           **MR. AZAR:** Object to the form. Assumes  
14:05:37 2 facts not evidence.

14:05:38 3           **THE WITNESS:** No, I would not, because if I  
14:05:39 4 knew he was in possession of it, then obviously I  
14:05:42 5 would have -- I would have known that he had asked  
14:05:44 6 us for it.

14:05:47 7           **BY MR. KEACH:**

14:05:48 8           **Q.** Okay. All right. So it says:

14:05:53 9           The invoice for February 17, 2017, does not  
14:05:56 10 include any request, reservation, or return of  
14:06:00 11 components.

14:06:00 12           That's true, right?

14:06:01 13           **A.** Yes.

14:06:02 14           **Q.** Okay. And then the last sentence is:

14:06:03 15           To the best of my knowledge and information,  
14:06:05 16 the TPMS component removed from Mr. Hromowyk's  
14:06:09 17 vehicle in February 2017 was discarded, in  
14:06:13 18 parentheses, into the trash, at the time the  
14:06:15 19 vehicle was serviced, correct?

14:06:17 20           **A.** Correct.

14:06:18 21           **Q.** And if you knew at the time you filled  
14:06:22 22 out this -- well, let me step back.

14:06:24 23           If Mr. Hromowyk has possession of this part,

**Brown - Keach - 10-8-19**

68

14:06:27 1 that last sentence in your affidavit is also not  
14:06:29 2 true, is it?

14:06:30 3 **MR. AZAR:** Object to the form.

14:06:31 4 **THE WITNESS:** Correct.

14:06:31 5 **BY MR. KEACH:**

14:06:32 6 **Q.** It is not true.

14:06:34 7 **A.** It is -- right.

14:06:36 8 **Q.** Okay. And so -- and again, you weren't  
14:06:39 9 told that before you made this particular  
14:06:41 10 representation, that Mr. Hromowyk's TPMS module was  
14:06:45 11 thrown in the garbage, correct?

14:06:47 12 **A.** If I knew Mr. Hromowyk was in  
14:06:48 13 possession of his TPMS module, I -- I definitely  
14:06:52 14 wouldn't have assumed that it was thrown into the  
14:06:54 15 trash, that's correct.

14:06:56 16 **Q.** Okay. Just yes or no: Did your lawyer  
14:07:09 17 explain to you at all, just yes or no, the import  
14:07:13 18 of filling out an affidavit in federal court?

14:07:16 19 **MR. AZAR:** Object to the form.

14:07:16 20 **THE WITNESS:** No, but you're -- you kind  
14:07:18 21 of -- I think you got a little confused on that,  
14:07:21 22 and I was, too.

14:07:22 23 When I received the -- it wasn't the

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**



**Brown - Keach - 10-8-19**

69

14:07:24 1 affidavit that went to my lawyer. It was the  
14:07:26 2 initial subpoena I got to come and --

14:07:30 3 **BY MR. KEACH:**

14:07:30 4 **Q.** Oh, okay. So that's different.

14:07:31 5 **A.** Yes, exactly, yes.

14:07:32 6 **Q.** So that was a subpoena asking you for  
14:07:34 7 documents.

14:07:34 8 **A.** Yes.

14:07:34 9 **Q.** Okay. And so this latter -- this  
14:07:37 10 affidavit that you filled out, or declaration, you  
14:07:41 11 did not share that with your lawyer.

14:07:43 12 **A.** No, I did not.

14:07:43 13 **Q.** You were not told by Mr. Azar to review  
14:07:46 14 this with a lawyer, correct?

14:07:47 15 **A.** No.

14:07:48 16 **MR. AZAR:** Object to the form.

14:07:48 17 **BY MR. KEACH:**

14:07:49 18 **Q.** You were not told by Mr. Azar that the  
14:07:52 19 lawyers for Mr. Hromowyk wanted to talk to you,  
14:07:54 20 correct?

14:07:54 21 **A.** No.

14:07:55 22 **Q.** Is that correct or not correct?

14:07:57 23 **A.** That's correct. I was -- I was kind of

**Brown - Keach - 10-8-19**

70

14:08:02 1 under the assumption that if I had done -- taken  
14:08:04 2 care of that end of it, that that may clear up  
14:08:07 3 everything -- everything of my involvement.

14:08:09 4 **Q.** Okay. And Mr. Azar did not tell you to  
14:08:14 5 retain legal counsel to assist you with this,  
14:08:17 6 correct?

14:08:17 7 **MR. AZAR:** Object to the form.

14:08:17 8 **THE WITNESS:** Correct.

14:08:17 9 **BY MR. KEACH:**

14:08:18 10 **Q.** And he also didn't give you contact  
14:08:20 11 information for myself or any of the Plaintiffs'  
14:08:23 12 lawyers to talk with us before you filled this out;  
14:08:26 13 fair to say?

14:08:28 14 **MR. AZAR:** Object to the form.

14:08:28 15 **THE WITNESS:** Not that I recall.

14:08:28 16 **BY MR. KEACH:**

14:08:30 17 **Q.** I mean, when you signed -- let's you  
14:08:32 18 and I be honest here. You signed this thing  
14:08:39 19 because Mr. Azar told you that this would have  
14:08:42 20 ended your involvement and you wouldn't have had to  
14:08:44 21 deal with sitting across the table from somebody  
14:08:46 22 like me.

14:08:47 23 **MR. AZAR:** Object to the form. Asked and

**JACK W. HUNT & ASSOCIATES, INC.***1120 Liberty Building**Buffalo, New York 14202 - (716) 853-5600*

**Brown - Keach - 10-8-19**

71

14:08:49 1 answered.

14:08:49 2           **THE WITNESS:** That wasn't a guarantee, but  
14:08:51 3 that's kind of what we were leading towards, kind  
14:08:53 4 of what I -- I think the words were that we could  
14:08:55 5 try and take care of this without this.

14:08:59 6           **BY MR. KEACH:**

14:08:59 7           **Q.** Okay. And you don't -- do you have any  
14:09:06 8 knowledge of when you provided this affidavit  
14:09:08 9 compared to when the discovery cutoff was in  
14:09:12 10 Mr. Hromowyk's civil -- in Mr. Hromowyk's civil  
14:09:15 11 suit?

14:09:16 12           **A.** No.

14:09:16 13           **Q.** Do you know when you filled out this  
14:09:18 14 affidavit compared to when the Plaintiffs' counsel  
14:09:20 15 had planned to come here to Buffalo to take your  
14:09:22 16 testimony?

14:09:23 17           **A.** Say that again?

14:09:25 18           **Q.** Were -- did you -- do you know -- let  
14:09:29 19 me step back.

14:09:30 20           Were you aware that at some point after you  
14:09:33 21 signed this declaration, that the Plaintiffs'  
14:09:35 22 counsel was planning to come to Buffalo to take  
14:09:38 23 your testimony?

**Brown - Keach - 10-8-19**

72

14:09:38 1           **A.**     No.

14:09:39 2           **Q.**     Were you told that beforehand? Were  
14:09:41 3 you told before you signed this, "Hey, you know, we  
14:09:43 4 got a -- you know, your deposition's going to be  
14:09:45 5 scheduled next week, but, hey" -- were you told  
14:09:53 6 that?

14:09:53 7           **A.**     No.

14:09:54 8           **Q.**     Okay. Okay. So let's move on to  
14:09:56 9 paragraph 4 of Exhibit RR, and I'll start reading  
14:09:59 10 that into the record:

14:10:02 11           On or about May 24th, 2018, Brownie's  
14:10:05 12 removed and replaced the left rear TPMS sensor in  
14:10:08 13 Mr. Hromowyk Dodge Caravan vehicle.

14:10:10 14           And let me step back. I'm going to go back  
14:10:12 15 to paragraph 3 and the repair from February 17,  
14:10:14 16 2007 -- 2017. Let's start over.

14:10:38 17           Do you know what was wrong with  
14:10:39 18 Mr. Hromowyk's TPMS valve stem on February 17th,  
14:10:44 19 2017, when -- when it was repaired at Brownie's?

14:10:47 20           **A.**     No, I do not.

14:10:48 21           **Q.**     All right. So let's move on to  
14:10:50 22 paragraph 4, which you have on your screen there in  
14:10:53 23 front of you, okay?

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

73

14:10:54 1 The first sentence: On or about May 24th,  
14:10:57 2 2018, Brownie's removed and replaced the left rear  
14:11:01 3 TPMS sensor in Mr. Hromowyk's Dodge Caravan  
14:11:03 4 vehicle.

14:11:03 5 That's true, correct?

14:11:04 6 **A.** Yes.

14:11:05 7 **Q.** All right. We're going to get to that  
14:11:07 8 in a minute, but you've got that receipt there in  
14:11:09 9 front of you as well, correct?

14:11:10 10 **A.** This is the 17th, right?

14:11:12 11 **Q.** Yes.

14:11:13 12 **A.** Yes.

14:11:14 13 **Q.** Well, no, no, May 24th, 2018. It would  
14:11:16 14 be a different -- different receipt.

14:11:20 15 **A.** Yes, I have it.

14:11:20 16 **Q.** Okay. And so that's true, right? You  
14:11:25 17 guys replaced this TPMS module at that time.

14:11:28 18 **A.** That's correct.

14:11:29 19 **Q.** All right. So the next sentence:

14:11:31 20 Mr. Hromowyk did not inform Brownie's of any  
14:11:33 21 planned or pending lawsuit related to this  
14:11:35 22 component.

14:11:36 23 You can't tell me whether or not that's

**Brown - Keach - 10-8-19**

74

14:11:38 1 true, correct?

14:11:39 2 **A.** I cannot personally tell you whether or  
14:11:41 3 not that's true, that's correct.

14:11:42 4 **Q.** Okay. And you don't have any  
14:11:43 5 secondhand knowledge to demonstrate whether or not  
14:11:49 6 that's correct.

14:11:49 7 **MR. AZAR:** Object to the form.

14:11:50 8 **THE WITNESS:** That's correct.

14:11:51 9 **BY MR. KEACH:**

14:11:51 10 **Q.** All right. Moving forward to the -- to  
14:11:54 11 the next sentence:

14:11:55 12 Brownie's was not told by Mr. Hromowyk that  
14:11:57 13 the removed component was evidence in any planned  
14:12:00 14 or pending lawsuit.

14:12:01 15 You don't know whether or not that's true,  
14:12:03 16 do you?

14:12:03 17 **MR. AZAR:** Object to the form.

14:12:04 18 **THE WITNESS:** I do not.

14:12:04 19 **BY MR. KEACH:**

14:12:05 20 **Q.** Okay. And you don't have any  
14:12:07 21 secondhand information about whether or not the  
14:12:09 22 people that worked for you were told that, correct?

14:12:11 23 **MR. AZAR:** Object to the form.

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

75

14:12:12 1           **THE WITNESS:** That's correct.

14:12:12 2           **BY MR. KEACH:**

14:12:13 3           **Q.** All right. Brownie's was not asked to  
14:12:16 4 take any special precautions to avoid altering the  
14:12:18 5 component while removing or handling it.

14:12:21 6           That's the first part of the next sentence.  
14:12:24 7 You don't know whether or not that's true, correct?

14:12:27 8           **MR. AZAR:** Object to the form.

14:12:27 9           **THE WITNESS:** I do not personally know that.

14:12:29 10          **BY MR. KEACH:**

14:12:29 11          **Q.** Okay. And you don't have any  
14:12:31 12 secondhand knowledge about whether or not that's  
14:12:33 13 correct.

14:12:33 14          **A.** No, I can only go by what's on the  
14:12:35 15 invoices.

14:12:36 16          **Q.** Okay. And there's nothing reflected on  
14:12:38 17 the invoice that the customer gets the part back.

14:12:40 18          **A.** Correct.

14:12:41 19          **Q.** Okay. So let's move forward to the  
14:12:43 20 next part of the sentence:

14:12:44 21               Nor was Brownie's asked to not dispose of  
14:12:46 22 the component after removal.

14:12:47 23               You don't know whether or not that's true

**Brown - Keach - 10-8-19**

76

14:12:49 1 either, correct?

14:12:49 2 **A.** Correct.

14:12:50 3 **Q.** All right. And I'm representing to  
14:12:54 4 you, as I've represented to counsel for FCA US,  
14:12:58 5 that the Plaintiffs' counsel is in possession of  
14:13:00 6 this second valve stem that was removed from  
14:13:02 7 Mr. Hromowyk's vehicle, and we brought it to  
14:13:05 8 Mr. Azar and his colleagues' attention well before  
14:13:08 9 you filled out this affidavit.

14:13:09 10 So given that Mr. Hromowyk has his valve  
14:13:15 11 stem, this latter part of the sentence -- and I'll  
14:13:20 12 call it out for you -- that is not true.

14:13:24 13 **MR. AZAR:** Object to the form.

14:13:24 14 **BY MR. KEACH:**

14:13:25 15 **Q.** Is it?

14:13:26 16 **A.** If Mr. Hromowyk is in possession of the  
14:13:28 17 exact same tire pressure monitor that came off his  
14:13:33 18 vehicle, then this is not true.

14:13:35 19 **Q.** And relative to this paragraph,  
14:13:38 20 Mr. Azar did not bother to tell you that  
14:13:41 21 Mr. Hromowyk had his valve stem and offered it to  
14:13:44 22 him and his co-counsel to inspect it at their  
14:13:48 23 leisure, did he?

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**



**Brown - Keach - 10-8-19**

77

14:13:49 1 **MR. AZAR:** Object to the form.

14:13:49 2 **THE WITNESS:** No.

14:13:50 3 **BY MR. KEACH:**

14:13:57 4 **Q.** And you don't know as you sit here  
14:13:58 5 today whether or not FCA US's counsel has ever  
14:14:02 6 taken the Plaintiffs' counsel up on inspecting the  
14:14:05 7 valve stem, do you?

14:14:06 8 **MR. AZAR:** Object to the form.

14:14:06 9 **THE WITNESS:** No, I don't.

14:14:08 10 **MR. AZAR:** Counsel, could we be a little  
14:14:10 11 more respectful of this witness's time?

14:14:12 12 **MR. KEACH:** You can object to the form and  
14:14:14 13 save your commentary for someone who cares, okay?  
14:14:18 14 I think you're going to read -- you're going to  
14:14:20 15 have plenty of fill of getting my commentary when  
14:14:24 16 you get my response to your motion, so why don't we  
14:14:27 17 just save the soapbox lecture for that time, okay,  
14:14:31 18 Tom?

14:14:32 19 **MR. AZAR:** Please proceed.

14:14:33 20 **MR. KEACH:** I mean, you know, I'm so  
14:14:34 21 impressed by you. I'm going to ask that you  
14:14:42 22 refrain from any further soapbox comments today.  
14:14:47 23 It's objection to form. I don't care about your

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

78

14:14:48 1 opinion. Save it. It's objection to form.

14:14:51 2 **BY MR. KEACH:**

14:14:52 3 **Q.** Moving forward to the next sentence:

14:14:56 4 The invoice for the May 24th, 2018 service  
14:15:01 5 does not include any request for preservation or  
14:15:04 6 return of components.

14:15:05 7 We can agree that that is true, correct?

14:15:07 8 **A.** Correct.

14:15:07 9 **Q.** All right. And then moving on to the  
14:15:09 10 next sentence:

14:15:10 11 To the best of my knowledge and information,  
14:15:12 12 the TPMS component removed from Mr. Hromowyk's  
14:15:14 13 vehicle in May 2018 was discarded, in parentheses,  
14:15:19 14 into the trash, at the time that the vehicle was  
14:15:22 15 serviced.

14:15:23 16 We can agree that if Mr. Hromowyk has the  
14:15:26 17 actual part that was removed from his vehicle on  
14:15:28 18 May 24th, 2018, that this last sentence is false.

14:15:32 19 **A.** If Mr. Hromowyk is in possession of  
14:15:34 20 that exact part, then this last sentence is false,  
14:15:37 21 correct.

14:15:37 22 **Q.** All right. And again, before you --  
14:15:39 23 before you affirmed to this last sentence, Mr. Azar

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

79

14:15:42 1 did not inform you of the fact that Mr. Hromowyk  
14:15:45 2 has that part and that it was offered to him to be  
14:15:47 3 inspected; fair to say?

14:15:49 4 **MR. AZAR:** Object to the form.

14:15:49 5 **THE WITNESS:** Yes.

14:15:50 6 **BY MR. KEACH:**

14:15:50 7 **Q.** Okay. Let's move on to paragraph 5:

14:15:55 8 On or about April 11th, 2019, Brownie's  
14:15:59 9 removed and replaced the right rear TPMS sensor in  
14:16:03 10 Mr. Hromowyk's Dodge Caravan vehicle.

14:16:05 11 That's correct, isn't it?

14:16:06 12 **A.** That's correct.

14:16:07 13 **Q.** And that's the -- that's the invoice --  
14:16:08 14 and I'll just put it up on the screen for you  
14:16:11 15 briefly.

14:16:11 16 That's the invoice that we looked at as  
14:16:13 17 Exhibit QQ.

14:16:14 18 **A.** Yes.

14:16:15 19 **Q.** Okay. So the next sentence reads:

14:16:20 20 Mr. Hromowyk did not inform Brownie's of any  
14:16:23 21 planned or pending lawsuit relating to this  
14:16:25 22 component.

14:16:26 23 Correct?

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

80

14:16:27 1           **A.**     Correct.

14:16:28 2           **Q.**     And I got to blow that up for you.   You  
14:16:30 3 have my apologies.

14:16:31 4           That's a little better, isn't it?

14:16:31 5           **A.**     I didn't bring my reading glasses.

14:16:34 6           **Q.**     So you don't know whether or not that's  
14:16:38 7 true, correct?

14:16:39 8           **A.**     I don't personally know whether or not  
14:16:41 9 that's true.   All I know is he -- at that point he  
14:16:43 10 requested us to save the old part.

14:16:45 11           **Q.**     Okay.   And you don't have any  
14:16:47 12 secondhand knowledge to say whether -- what -- what  
14:16:49 13 reason Mr. Hromowyk gave to your service desk about  
14:16:51 14 "Hey, here's why I need the part," correct?

14:16:54 15           **A.**     No, I do not.

14:16:54 16           **Q.**     All right.   All right.   So the next  
14:16:58 17 sentence reads:

14:17:00 18           Brownie's was not told by Mr. Hromowyk that  
14:17:02 19 the removed component was evidence in any planned  
14:17:04 20 or pending lawsuit.

14:17:06 21           You don't know that to be true, do you?

14:17:08 22           **A.**     Not personally.

14:17:09 23           **Q.**     You don't have any secondhand

**Brown - Keach - 10-8-19**

81

14:17:11 1 information to reflect that it's true, do you?

14:17:14 2 **A.** No.

14:17:14 3 **Q.** Next sentence: As reflected in the  
14:17:16 4 invoice, Mr. Hromowyk requested that Brownie's save  
14:17:19 5 and return the TPMS sensor.

14:17:21 6 Correct?

14:17:22 7 **A.** Yes.

14:17:22 8 **Q.** And that is true. That -- that fact is  
14:17:26 9 true, isn't it?

14:17:28 10 **A.** Would you say it one more time?

14:17:30 11 **Q.** That Mr. Hromowyk asked you to save the  
14:17:32 12 TPMS module. When I say you, I mean --

14:17:33 13 **A.** That I know to be true just because  
14:17:35 14 it's in writing in front of me on the invoice, as  
14:17:38 15 it's supposed to be.

14:17:39 16 **Q.** All right. Brownie's was not asked to  
14:17:41 17 take any special precaution to avoid altering the  
14:17:44 18 component while removing or handling it.

14:17:46 19 You don't know whether that's true or not,  
14:17:49 20 do you?

14:17:49 21 **MR. AZAR:** Object to the form.

14:17:50 22 **THE WITNESS:** Not personally.

14:17:51 23 **BY MR. KEACH:**

**Brown - Keach - 10-8-19**

82

14:17:53 1           **Q.**     Do you have any secondhand knowledge to  
14:17:55 2 reflect whether or not that's true?

14:17:56 3           **MR. AZAR:**   Object to form.

14:17:57 4           **THE WITNESS:**   No.

14:17:57 5           **BY MR. KEACH:**

14:17:58 6           **Q.**     All right. And are you going to do  
14:17:59 7 anything different -- let's assume I come into your  
14:18:02 8 shop, all right, and, you know, I've got a -- I've  
14:18:05 9 got a part that has to be removed.

14:18:07 10           Are you going to do -- if I say, "Hey, you  
14:18:10 11 know, you got to take special precaution to avoid  
14:18:13 12 altering this component when you're trying to  
14:18:15 13 remove it," are you going to do anything different?

14:18:15 14           **A.**     No.

14:18:17 15           **Q.**     Okay. You're going to do the same  
14:18:19 16 thing to get that component out of there that you  
14:18:21 17 would whether I wanted it preserved or not; fair to  
14:18:23 18 say?

14:18:25 19           **A.**     Yes.

14:18:25 20           **MR. AZAR:**   Object to the form.

14:18:26 21           **BY MR. KEACH:**

14:18:26 22           **Q.**     Okay. So -- because, you know, your  
14:18:30 23 job is to fix the car, correct?

**Brown - Keach - 10-8-19**

83

14:18:32 1           **A.**     Yes.

14:18:33 2           **Q.**     All right. And do you know why  
14:18:36 3 Mr. Hromowyk needed this particular valve stem  
14:18:38 4 removed, the valve stem that was taken out earlier  
14:18:40 5 this year?

14:18:42 6           Let me step back to make sure that's  
14:18:43 7 correct. Yes, earlier this year.

14:18:48 8           Do you know what was wrong with it?

14:18:50 9           **A.**     Not personally. I can only assume it  
14:18:52 10 was leaking or deteriorated, but I --

14:18:54 11           **Q.**     But you don't know for sure.

14:18:55 12           **A.**     I can't say for certain.

14:18:56 13           **Q.**     All right. And you didn't talk to  
14:18:57 14 anybody that worked for you to figure out what was  
14:19:03 15 wrong with it either, right?

14:19:04 16           **A.**     No. My guys can't remember what  
14:19:10 17 happened yesterday, let alone April.

14:19:12 18           **Q.**     Okay. Me neither.

14:19:15 19           So -- and the same holds true for the valve  
14:19:19 20 stem that was removed on May 24th, 2018. You don't  
14:19:22 21 know why that was -- what was wrong with that,  
14:19:23 22 correct?

14:19:24 23           **A.**     No, I do not.

**Brown - Keach - 10-8-19**

84

14:19:24 1           **Q.**     But -- but you would assume that it was  
14:19:27 2 corroded.

14:19:28 3           **A.**     Yes.

14:19:29 4           **Q.**     Okay. So getting back to this special  
14:19:34 5 precaution business, if I walk in to you and say,  
14:19:37 6 "Hey, I want my lift kit removed, but I want you to  
14:19:40 7 take special precaution to avoid altering the  
14:19:43 8 component while removing or handling it because I'm  
14:19:46 9 going to put in a new lift kit," you're not going  
14:19:49 10 to do anything different. You're going to get that  
14:19:51 11 lift kit out of there and put in a new lift kit;  
14:19:53 12 fair to say?

14:19:53 13           **MR. AZAR:** Object to the form.

14:19:53 14           **THE WITNESS:** Yes.

14:19:53 15           **BY MR. KEACH:**

14:19:55 16           **Q.**     All right. So this is really a -- a  
14:19:57 17 distinction without a difference, isn't it, this --  
14:19:59 18 this -- what Mr. Azar asked you to affirm in this  
14:20:04 19 federal civil suit?

14:20:06 20           **MR. AZAR:** Object to the form.

14:20:07 21           **THE WITNESS:** Put that in different terms  
14:20:08 22 for me.

14:20:08 23           **BY MR. KEACH:**

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**



**Brown - Keach - 10-8-19**

85

14:20:09 1           **Q.**     Sure. I mean, this -- this -- it  
14:20:11 2 didn't matter -- it didn't matter whether Tom  
14:20:14 3 Hromowyk came in and said, "Treat this component  
14:20:16 4 like it's the holy grail when removing it from the  
14:20:21 5 car." You guys are going to treat that component  
14:20:23 6 the same way.

14:20:24 7           **A.**     Yes.

14:20:24 8           **Q.**     Okay. All right. And finally, the  
14:20:28 9 last sentence is -- last sentence is:

14:20:31 10           To the best of my knowledge and information,  
14:20:32 11 the TPMS component removed from Mr. Hromowyk's  
14:20:34 12 vehicle in April 2018 was returned to Mr. Hromowyk  
14:20:38 13 upon completion of the service.

14:20:39 14           That's accurate as well, correct?

14:20:41 15           **A.**     Yes.

14:20:42 16           **Q.**     All right. But again, when you filled  
14:20:43 17 this out, you weren't told that Mr. Hromowyk, in  
14:20:47 18 fact, had the part, were you?

14:20:49 19           **MR. AZAR:** Object to the form.

14:20:50 20           **THE WITNESS:** No, obviously if I -- if I  
14:20:52 21 knew he was in possession of them, I would have  
14:20:54 22 known we didn't throw them in the garbage.

14:20:54 23           **BY MR. KEACH:**

**Brown - Keach - 10-8-19**

86

14:20:57 1           **Q.**     Okay. We've been at this for over an  
14:21:02 2 hour. It's my practice when I'm deposing people to  
14:21:05 3 give them a break about every hour just to get away  
14:21:09 4 from me and relax a little bit.

14:21:11 5           **A.**     Fine. I don't really need it.

14:21:13 6           **Q.**     I need to use the bathroom just  
14:21:15 7 briefly, so we're going to take a break just for  
14:21:17 8 five minutes. I ask for you to confirm -- I'm not  
14:21:20 9 going to talk to you. I ask you confirm you'll not  
14:21:23 10 talk to Mr. Azar either, okay?

14:21:24 11           **MR. AZAR:** I don't believe there's any -- I  
14:21:25 12 mean, certainly I don't have any privilege with  
14:21:26 13 this witness, but I don't think you can tell the  
14:21:28 14 witness not to talk to me.

14:21:29 15           But why don't we go off the record.

14:21:33 16           **MR. KEACH:** Well, okay. Fine. If you want  
14:21:41 17 talk to Mr. Azar during the break, I'm just going  
14:21:46 18 to ask that you polish up your memory, because I'm  
14:21:48 19 going to ask you everything that you talked about  
14:21:50 20 with Mr. Azar, okay?

14:21:53 21           So in that regard, we'll take a break.

14:21:55 22           (A recess was then taken.)

14:30:21 23           **BY MR. KEACH:**

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

87

14:30:24	1	<b>Q.</b> Okay. I'm going to move on to another
14:30:29	2	document that I have and I want you to take a look
14:30:31	3	at. Give me just a moment.

14:31:20	4	All right. I'm going to show you what we
14:31:22	5	marked as Exhibit SS.

14:31:22 6 | **The following was marked for Identification:**

7	HROMOWYK EXH. SS	invoice number 50508 dated
8		02/12/2013

14:31:40 9 BY MR. KEACH:

14:31:41 10 Q. So this is an invoice for the repair of  
14:31:44 11 the tire, okay, at your shop, correct?

14:31:46 12 | **A.** The one in front of me?

14:31:48 13 | Q. Yes.

14:31:49 14                   **A.**       That is an invoice for new tires dated  
14:31:52 15       back in 2013.

14:31:53 16 Q. Okay. And it talks here, okay, about  
14:31:58 17 New York State inspection, and it says New York  
14:32:03 18 State safety and emissions inspection, tire price  
14:32:05 19 includes mounting, balance, new valve stem, and  
14:32:10 20 disposal of old tire and free flat repairs,  
14:32:13 21 correct?

14:32:13 22 | **A.** Yes.

14:32:13 23 Q. All right. Now, if someone has a TPMS

**Brown - Keach - 10-8-19**

88

14:32:17 1 module in their vehicle which has the valve stem,  
14:32:21 2 is that TPMS module going to be put back into the  
14:32:24 3 vehicle?

14:32:25 4 **MR. AZAR:** Object to the form.

14:32:26 5 **BY MR. KEACH:**

14:32:26 6 **Q.** Do you understand what I mean?

14:32:28 7 **A.** There is -- there would be no call to  
14:32:30 8 remove a TPMS module just to replace a tire.

14:32:34 9 **Q.** That's what I'm trying to figure out.

14:32:36 10 **A.** Yes.

14:32:37 11 **Q.** It says here new valve stem. My  
14:32:39 12 understanding is that TPMS modules all have their  
14:32:41 13 own valve stems. Am I right about that?

14:32:43 14 **A.** Yes.

14:32:44 15 **Q.** All right. There's like -- there's the  
14:32:45 16 module, then there's the valve stem and the cap,  
14:32:48 17 and it's all one thing.

14:32:50 18 So you can't just replace the valve stem.

14:32:53 19 You have to replace the entire module --

14:32:55 20 **MR. AZAR:** Object to the form.

14:32:56 21 **BY MR. KEACH:**

14:32:57 22 **Q.** -- correct?

14:32:57 23 **A.** There are a few nowadays where you can

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

89

14:33:00 1 just replace the valve stem. This is referring to  
14:33:04 2 old-school valve stems before they had the TPMS  
14:33:07 3 modules, is what they -- what that is, the valve  
14:33:10 4 stem.

14:33:10 5 **Q.** So that's what -- that's the valve.

14:33:11 6 **A.** Yes, that's -- if your car doesn't have  
14:33:13 7 one, there's, you know, a \$1 rubber valve stem or  
14:33:17 8 an \$80 tire pressure valve stem.

14:33:21 9 These are the rubber, non-TPMS-equipped  
14:33:23 10 vehicle style.

14:33:24 11 **Q.** All right. So it's been suggested in  
14:33:26 12 this case that this invoice shows that you, in  
14:33:30 13 fact, replaced the valve stems on Mr. Hromowyk's  
14:33:34 14 vehicle when you, you know, replaced these tires.

14:33:39 15 Is that accurate?

14:33:52 16 **MR. AZAR:** Object to the form.

14:33:52 17 **THE WITNESS:** Right. This -- this was  
14:33:52 18 something that when -- when we sell tires on a car,  
14:33:52 19 it -- it -- it automatically goes on the invoice,  
14:33:52 20 and this was prior to a lot of the problems with  
14:33:54 21 the tire pressure monitoring systems.

14:33:56 22 We've actually changed that at this point so  
14:33:58 23 it's worded differently. Doesn't quite say that

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

90

14:34:01 1 anymore, but what that does refer to is a car with  
14:34:04 2 a regular rubber \$1 valve stem.

14:34:09 3 **BY MR. KEACH:**

14:34:10 4 **Q.** All right. If you -- if Mr. Hromowyk's  
14:34:12 5 TPMS valves -- his TPMS modules were replaced when  
14:34:13 6 you did this tire repair on his car in February  
14:34:17 7 2013, that would have been reflected in this  
14:34:19 8 invoice, correct?

14:34:19 9 **A.** Correct.

14:34:21 10 **Q.** And TPMS modules, from what I  
14:34:23 11 understand -- they cost money, don't they?

14:34:25 12 **A.** Sure.

14:34:25 13 **Q.** If you've got to replace a TPMS module,  
14:34:28 14 you have to go to NAPA and buy the parts --

14:34:30 15 **A.** Yes.

14:34:31 16 **Q.** -- correct? And then you -- and then  
14:34:35 17 you install the TPMS module, correct?

14:34:37 18 **A.** Yes.

14:34:38 19 **Q.** And you charge the customer for the  
14:34:40 20 part and the labor.

14:34:41 21 **A.** Yes.

14:34:41 22 **Q.** All right. So when you go to NAPA to  
14:34:43 23 buy the TPMS module, how much is that out of your

**JACK W. HUNT & ASSOCIATES, INC.**

1120 Liberty Building

Buffalo, New York 14202 - (716) 853-5600

**Brown - Keach - 10-8-19**

91

14:34:46 1 pocket?

14:34:48 2           **A.**     Probably 30, \$40 range, something like  
14:34:51 3 that, or --

14:34:52 4           **Q.**     Okay. All right. And so it -- it's  
14:34:55 5 fair to say, looking at this invoice, you would  
14:34:57 6 not, for instance, replace four TPMS modules in a  
14:35:01 7 car and just do it for free, would you?

14:35:04 8           **A.**     Absolutely not.

14:35:05 9           **Q.**     You'd charge the customer.

14:35:06 10          **A.**     Yes.

14:35:06 11          **Q.**     And so it's fair to say, looking at  
14:35:08 12 this invoice which we've marked as Exhibit SS from  
14:35:11 13 February 12th, 2013, that the tire pressure  
14:35:15 14 monitoring system modules in Mr. Hromowyk's car  
14:35:18 15 were not -- were not disposed of at that time,  
14:35:22 16 correct?

14:35:23 17          **MR. AZAR:** Object to the form.

14:35:23 18          **THE WITNESS:** Were not replaced at that  
14:35:24 19 time?

14:35:24 20          **BY MR. KEACH:**

14:35:25 21          **Q.**     Yes, excuse me, were not replaced at  
14:35:27 22 that time.

14:35:27 23          **A.**     That's correct.

**Brown - Keach - 10-8-19**

92

14:35:28 1           **Q.**     All right. The existing TPMS modules  
14:35:30 2     were taken and were reinserted into the new tires.

14:35:32 3           **A.**     They wouldn't have been removed. The  
14:35:35 4     TPMS module mounts not to the tire. It mounts to  
14:35:38 5     the wheel itself.

14:35:39 6           So when you change a tire, you don't  
14:35:42 7     actually have to remove the TPMS from the wheel.  
14:35:46 8     You don't -- you don't have to touch it. You just  
14:35:49 9     leave it alone type of deal.

14:35:51 10          **Q.**     All right.

14:35:52 11          **A.**     It's not something you have to remove  
14:35:54 12     to replace the tire.

14:35:55 13          **Q.**     All right. I appreciate you clarifying  
14:35:57 14     that for me. You're right. I'm old-school. The  
14:35:59 15     tires with the little -- little rubber valves, you  
14:35:59 16     just pop them off.

14:35:59 17          **A.**     Correct.

14:36:01 18          **Q.**     The -- it's fair to say by reviewing  
14:36:05 19     this invoice that the TPMS modules in  
14:36:09 20     Mr. Hromowyk's car remained intact after these four  
14:36:13 21     tires were replaced, correct?

14:36:15 22          **MR. AZAR:** Object to the form.

14:36:15 23          **THE WITNESS:** Yes.



**Brown - Keach - 10-8-19**

93

14:36:17 1 **BY MR. KEACH:**

14:36:28 2 **Q.** Okay. I'm going to have you take a  
14:37:17 3 look just briefly at Exhibit TT.

14:37:17 4 **The following was marked for Identification:**

5 **HROMOWYK EXH. TT invoice number 59308 dated**  
6 **08/04/2015**

14:37:21 7 **BY MR. KEACH:**

14:37:21 8 **Q.** And would you, before we start -- you  
14:37:23 9 know, I want to be able to get through this fairly  
14:37:26 10 quickly, because this is somewhat tedious. I mean,  
14:37:28 11 I need to protect the record, but I don't want to  
14:37:31 12 engage in tedium.

14:37:32 13 Can I just see the documents you have in  
14:37:33 14 front of you so I can take a look at them?

14:37:36 15 **A.** Sure. You don't want these, right?  
14:37:39 16 Just these.

14:37:40 17 **Q.** No. What do you have there?

14:37:41 18 **A.** This was just the subpoena to appear  
14:37:43 19 and the -- whatever that might have been.

14:37:46 20 **Q.** Oh, that was the subpoena for you to  
14:37:48 21 show up, too.

14:37:49 22 **A.** Right, yes, okay.

14:37:51 23 **Q.** Okay. All right. I'm just going to

**Brown - Keach - 10-8-19**

94

14:38:15 1 put up what we've marked as Exhibit -- well, let me  
14:38:18 2 step back.

14:38:19 3 Have you reviewed anything else to prepare  
14:38:21 4 for your testimony today besides the two subpoenas  
14:38:23 5 and these receipts that you've provided me?

14:38:25 6 **A.** No.

14:38:26 7 **Q.** All right. I've got five receipts here  
14:38:28 8 that you've presented that have to do with the --  
14:38:31 9 either have to do with TPMS modules or repairing  
14:38:34 10 tires on Mr. Hromowyk's car.

14:38:35 11 Well, I think they're all involving the  
14:38:37 12 TPMS.

14:38:37 13 **A.** I brought all the ones regarding the  
14:38:40 14 TPMS.

14:38:40 15 **Q.** Okay. All right. I'm just going to  
14:39:09 16 ask you, because I'm kind of confused here.

14:39:12 17 You've got -- we've got an invoice from  
14:39:15 18 8/4/15 -- and I'll pass these over to you, and  
14:39:17 19 we'll mark them in due course.

14:39:17 20 **A.** Sure, yes.

14:39:20 21 **Q.** Got an invoice from 8/4/15, 2/20 --  
14:39:27 22 2/17/2017, 5/24/2018, and then another one for work  
14:39:34 23 completed on 4/11/2019.

**JACK W. HUNT & ASSOCIATES, INC.**

1120 Liberty Building

Buffalo, New York 14202 - (716) 853-5600

**Brown - Keach - 10-8-19**

95

14:39:37 1 All of these relate to, it appears,  
14:39:39 2 replacing TPMS modules on Mr. Hromowyk's car. Am I  
14:39:46 3 right about that?

14:39:47 4 **A.** One of them is just a repair kit, I  
14:39:49 5 believe is what they call -- if you look in the  
14:39:52 6 description, is there one of them that's just a --

14:39:54 7 **Q.** One of them's different than the  
14:39:55 8 others.

14:39:55 9 **MR. KEACH:** And, Tom, I don't mean to  
14:39:57 10 exclude you from this. I'll pass these over to  
14:39:59 11 you.

14:40:00 12 **MR. AZAR:** I've seen them.

14:40:00 13 **BY MR. KEACH:**

14:40:01 14 **Q.** Okay. The one at the top is different  
14:40:02 15 than the other three.

14:40:04 16 **A.** No, the one at the top is only  
14:40:08 17 different because --

14:40:09 18 **Q.** The one at the bottom.

14:40:12 19 **A.** Oh, no.

14:40:13 20 **Q.** The one you don't have in your hand.  
14:40:15 21 That one.

14:40:15 22 **A.** Yes, the only difference in this one  
14:40:22 23 is -- my guess is they got the -- sometimes we get

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

96

14:40:26 1 the sensors from whoever has them. We're not  
14:40:33 2 primarily just a NAPA repair shop. We use other  
14:40:36 3 parts stores, so -- but -- what is this, 5/24/18?

14:40:41 4 The difference on that one is just we  
14:40:43 5 included the labor and the installation of the part  
14:40:45 6 rather than charge him the separate 18.95. That's  
14:40:49 7 what that looks like to me.

14:40:51 8 **Q.** All right. I'm at a loss.

14:40:52 9 Do those four receipts all reflect  
14:40:54 10 replacement of TPMS modules, or is one different?

14:40:59 11 **A.** One, two, three -- those all reflect  
14:41:02 12 replacement of a TPMS module.

14:41:04 13 **Q.** Okay. And what is the date of the  
14:41:09 14 first repair of the TPMS module?

14:41:12 15 **A.** The first one was -- looks to be  
14:41:21 16 8/4/2015.

14:41:22 17 **Q.** All right. So that's what we have in  
14:41:24 18 front of us as Exhibit TT, is the invoice from  
14:41:29 19 8/4/2015; is that correct?

14:41:36 20 **A.** Yes, sorry.

14:41:38 21 **Q.** Okay. All right. We're going to keep  
14:41:43 22 walking through these.

14:41:44 23 Now, I have another -- a work completed

**JACK W. HUNT & ASSOCIATES, INC.**

1120 Liberty Building

Buffalo, New York 14202 - (716) 853-5600

**Brown - Keach - 10-8-19**

97

14:41:48 1 7/27/2015. Can you tell me what is reflected on  
14:41:54 2 this particular invoice?

14:41:56 3 **A.** It looks like at that point he  
14:42:01 4 purchased two tires, had an oil change, and that --  
14:42:07 5 what's called a tire pressure monitoring service  
14:42:11 6 pack is a -- is basically just the new cap and the  
14:42:15 7 new valve, you know, on the valve stem.

14:42:17 8 So that's why that's \$5.36, so --

14:42:23 9 **Q.** Okay. And then it's reflected what,  
14:42:25 10 roughly a week later you replaced the TPMS module?  
14:42:29 11 That would be the invoice from 8/4/2015?

14:42:32 12 **A.** 8/4 --

14:42:40 13 **Q.** It's on your screen.

14:42:41 14 **A.** My screen went blank again.

14:42:43 15 **Q.** Oh, your screen went blank again. My  
14:42:46 16 apologies. I thought it was on your screen.

14:42:49 17 There you go. It's back on your screen,  
14:42:51 18 sir.

14:42:51 19 **A.** Yes, 8/4/2015.

14:42:53 20 **Q.** All right. So do you know why  
14:42:54 21 Mr. Hromowyk had to bring his car back a week later  
14:42:57 22 to replace the TPMS module?

14:42:59 23 **A.** Not personally. My assumption is going

**Brown - Keach - 10-8-19**

98

14:43:01 1 to be that it was -- it was probably leaking.

14:43:03 2 Q. That's based on your training and  
14:43:05 3 experience. You think more likely than not, that's  
14:43:08 4 what happened.

14:43:09 5 A. Yes.

14:43:09 6 Q. So you replaced the tires; you put the  
14:43:12 7 new cap on.

14:43:13 8 A. New valve and new cap, right.

14:43:17 9 Q. All right. And then even after  
14:43:18 10 replacing that, it continued to leak.

14:43:20 11 A. That would be my best guess on that,  
14:43:22 12 yes.

14:43:22 13 Q. All right. Can you -- what do you mean  
14:43:24 14 by a valve? I don't understand that. Just explain  
14:43:28 15 that to someone who, you know, doesn't have much  
14:43:32 16 mechanical aptitude.

14:43:34 17 A. Okay. The -- the way a tire pressure  
14:43:38 18 monitor goes through a rim, you know, it's an  
14:43:42 19 aluminum stud with a rubber O-ring on the stud  
14:43:46 20 where it presses up against the wheel.

14:43:48 21 The stud travels through the wheel. There's  
14:43:51 22 another rubber O-ring on top which is actually like  
14:43:54 23 the seal to hold the tires in, and then there's a

**JACK W. HUNT & ASSOCIATES, INC.****1120 Liberty Building****Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

99

14:43:56 1 nut that tightens it all together.

14:43:58 2           So that -- and then the valve -- it's like  
14:44:02 3 when you put air in a tire, that little nipple you  
14:44:06 4 push in the middle --

14:44:07 5           **Q.**     That's the valve.

14:44:08 6           **A.**     -- that's the valve.

14:44:09 7           **Q.**     Got you.

14:44:09 8           **A.**     So usually when you buy that service  
14:44:11 9 kit, it comes with a new cap, it comes with a new  
14:44:13 10 little valve, and then it usually comes with a  
14:44:16 11 new -- the screw that holds it all together or  
14:44:18 12 whatever. So that's what those are.

14:44:20 13           **Q.**     Okay. In an effort to speed this up to  
14:46:12 14 get my colleague back to St. Louis, can you give me  
14:46:14 15 all those invoices? Because we're just going to  
14:46:16 16 copy them all and mark them right now instead of me  
14:46:19 17 trying to do it with the electronics.

14:46:29 18           (A recess was then taken.)

14:46:29 19 **The following was marked for Identification:**

20           **HROMOWYK EXH. UU           five invoices**

14:50:23 21           **BY MR. KEACH:**

14:50:37 22           **Q.**     Okay. Now, I'm just going to just walk  
14:50:40 23 through this quickly, okay?

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

100

14:50:42 1           These are all the receipts that you gave to  
14:50:44 2 Mr. Azar when he sent you the subpoena asking for  
14:50:46 3 documentation, correct?

14:50:47 4           **A.**     Correct.

14:50:48 5           **Q.**     All right. And these reflect the times  
14:50:50 6 that you replaced Mr. Hromowyk's -- or had some  
14:50:55 7 involvement with Mr. Hromowyk's TPMS module --

14:50:57 8           **A.**     Yes.

14:50:58 9           **Q.**     -- fair to say? All right.

14:50:59 10           So you replaced all four of Mr. Hromowyk's  
14:51:05 11 TPMS modules, correct?

14:51:06 12           **A.**     Yes.

14:51:07 13           **Q.**     All right. It looks like you printed  
14:51:09 14 these things up today. Is that accurate?

14:51:11 15           **A.**     What's that?

14:51:12 16           **Q.**     It looks like you printed these things  
14:51:13 17 up today.

14:51:13 18           **A.**     That's correct.

14:51:14 19           **Q.**     All right. So how did you that? Would  
14:51:17 20 you search for Tom Hromowyk on your system?

14:51:19 21           **A.**     Yes, the way our computer system's  
14:51:21 22 built, I can -- you know, his name's obviously in  
14:51:23 23 there as a customer, and I can look at any history

**JACK W. HUNT & ASSOCIATES, INC.**

1120 Liberty Building

Buffalo, New York 14202 - (716) 853-5600



**Brown - Keach - 10-8-19**

101

14:51:26 1 from any customer.

14:51:28 2 Q. Okay. And so you picked out these  
14:51:30 3 documents and brought them with you today.

14:51:32 4 A. Yes.

14:51:32 5 Q. All right. And so I'm just going to go  
14:51:34 6 through the -- the timeline.

14:51:38 7 We have Mr. Hromowyk coming in for a  
14:51:43 8 repair -- for some -- or new tires on July 27th,  
14:51:48 9 2015, correct?

14:51:52 10 A. That's correct.

14:51:52 11 Q. And then he had -- he replaced his TPMS  
14:51:56 12 module roughly a week later on August 4th, 2015,  
14:52:00 13 and that was the first TPMS module that you  
14:52:03 14 replaced for Mr. Hromowyk, correct?

14:52:10 15 A. What date did you say?

14:52:11 16 Q. August 4th, 2015.

14:52:15 17 A. Oh, there we go. Yes, that is correct.

14:52:17 18 Q. Okay. And you have no personal  
14:52:21 19 knowledge about the -- about the condition of  
14:52:24 20 Mr. Hromowyk's TPMS module when it was removed on  
14:52:27 21 that date, correct?

14:52:28 22 A. That's correct.

14:52:29 23 Q. All right. And do you know -- is

**Brown - Keach - 10-8-19**

102

14:52:31 1 Howard Guthrie still employed by your company?

14:52:34 2 **A.** No, he is not.

14:52:35 3 **Q.** All right. And was he -- he goes by  
14:52:37 4 the name Howie, I believe; is that accurate?

14:52:41 5 **A.** No, Howard. Howard.

14:52:43 6 **Q.** He goes by Howard?

14:52:45 7 **A.** Lot of people call him How, but Howie's  
14:52:48 8 not one of them names that -- yes.

14:52:49 9 **Q.** Okay, How. That's what I'm thinking  
14:52:52 10 of. Okay.

14:52:52 11 **A.** Yes.

14:52:53 12 **Q.** So where does how work now?

14:52:55 13 **A.** Fox Tire.

14:52:56 14 **Q.** And do you know -- without giving me an  
14:53:00 15 address, do you know where Mr. Guthrie lives?

14:53:03 16 **A.** Cheektowaga. That's all I know.

14:53:05 17 **Q.** Okay. Beautiful city of Cheektowaga.

14:53:08 18 **A.** Cheektavegas.

14:53:10 19 **Q.** Okay. Do you -- when's the last time  
14:53:14 20 you spoke to Mr. Guthrie?

14:53:17 21 **A.** Two weeks ago, probably.

14:53:18 22 **Q.** And to talk about what?

14:53:20 23 **A.** I saw him -- we -- we both -- myself

**Brown - Keach - 10-8-19**

103

14:53:24 1 and his son, we both drive a race car at local  
14:53:29 2 short tracks on Fridays, so he's there with his son  
14:53:33 3 all the time, so yes.

14:53:34 4 **Q.** Did you talk about this lawsuit with  
14:53:35 5 him?

14:53:36 6 **A.** No.

14:53:36 7 **Q.** You were talking about short track  
14:53:38 8 racing.

14:53:39 9 **A.** Yes.

14:53:42 10 **MR. KEACH:** Just off the record for a  
14:53:43 11 second.

14:53:47 12 (A recess was then taken.)

14:54:05 13 **BY MR. KEACH:**

14:54:06 14 **Q.** Okay. So did you ever talk to Howie  
14:54:08 15 about -- or How, excuse me -- Mr. Guthrie about  
14:54:12 16 this case at all?

14:54:13 17 **A.** No.

14:54:13 18 **Q.** All right. How about Mr. Hromowyk's  
14:54:16 19 TPMS module?

14:54:17 20 **A.** No.

14:54:18 21 **Q.** All right. And so the next time that  
14:54:23 22 Mr. Hromowyk came to your dealership to have his  
14:54:26 23 TPMS module replaced would have been on

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

104

14:54:27 1 February 17th, 2017, correct?

14:54:30 2 **A.** Correct.

14:54:31 3 **Q.** Okay. And so again that work was done  
14:54:36 4 by Howard Guthrie?

14:54:37 5 **A.** I believe it's -- yes.

14:54:40 6 **Q.** All right. And the next time would  
14:54:43 7 have been May 24th, 2018?

14:54:47 8 **A.** That's correct.

14:54:48 9 **Q.** Okay. And that -- there was also a  
14:54:51 10 TPMS replacement on that date, correct?

14:54:53 11 **A.** Yes.

14:54:53 12 **Q.** And then lastly would have been  
14:54:55 13 February 11th, 2019, correct?

14:54:57 14 **A.** April 11th, 2019?

14:55:00 15 **Q.** My apologies. April 11th, 2019.

14:55:04 16 **A.** Yes.

14:55:05 17 **Q.** All right. At no point in time did you  
14:55:07 18 ever observe Mr. Hromowyk -- the modules that were  
14:55:09 19 removed from Mr. Hromowyk's car, correct?

14:55:11 20 **A.** That's correct.

14:55:12 21 **Q.** You never talked to any of your  
14:55:13 22 subordinates about what -- you know, what happened  
14:55:18 23 with that -- with that part, correct?

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

105

14:55:21 1           **A.**     Correct.

14:55:21 2           **MR. AZAR:**   Object to the form.

14:55:21 3           **BY MR. KEACH:**

14:55:22 4           **Q.**     I mean, that's not something you would  
14:55:24 5 do as the guy who owns the garage, right? Talk to  
14:55:24 6 your mechanics about every single repair that they  
14:55:27 7 make?

14:55:27 8           **A.**     That's correct.

14:55:28 9           **Q.**     You would expect them to know what  
14:55:29 10 they're doing when they're repairing a car.

14:55:31 11          **A.**     Right. There's certain things I watch  
14:55:33 12 them on and certain things I won't. Tire pressure  
14:55:35 13 monitor's not really one of them.

14:55:37 14          **Q.**     What would be an example of what you  
14:55:42 15 would watch them on?

14:55:43 16          **A.**     Internal engine repair, deep computer  
14:55:47 17 diagnostics, air bag systems, antilock brakes,  
14:55:50 18 things like that. That's kind of my -- my area.

14:55:53 19          **Q.**     Okay. I'm going to ask if you could  
14:55:56 20 just pass that Exhibit over to me, and I'm going to  
14:56:00 21 organize these in order of the invoices for you.

14:56:03 22               Looks like you beat me to the punch.

14:56:06 23          **A.**     I did.

**Brown - Keach - 10-8-19**

106

14:56:07 1 Q. You did. All right. You're the man.

14:56:08 2 Thank you.

14:56:38 3 All right. Is this policy -- do you have  
14:56:49 4 any written policies at your garage in terms of how  
14:56:52 5 to fill out these service invoices?

14:56:55 6 A. Not in writing.

14:56:56 7 Q. It's more like common sense, "Hey,  
14:56:58 8 here's what you should do"?

14:57:00 9 A. Yes.

14:57:00 10 Q. How does one go about removing a TPMS  
14:57:06 11 module?

14:57:08 12 A. It has a -- you have to remove the tire  
14:57:11 13 from the wheel, and then the aluminum style, they  
14:57:17 14 actually have a nut that you would unscrew to pull  
14:57:19 15 the TPMS unit out.

14:57:21 16 Q. Okay. So it's not -- is it  
14:57:25 17 particularly difficult to remove the TPMS module?

14:57:29 18 A. No.

14:57:29 19 Q. All right. Just go through the process  
14:57:30 20 for me again, because you told me before the TPMS  
14:57:32 21 module's up against the rim of the --

14:57:34 22 A. It's mounted to the wheel, right.

14:57:37 23 Q. It's mounted to the -- to the -- to the

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

107

14:57:39 1 wheel. Okay.

14:57:40 2           **A.**     You would obviously remove the tire  
14:57:41 3 from the vehicle -- remove the air from the tire,  
14:57:44 4 remove the tire from the wheel, remove the TPMS  
14:57:47 5 monitor from the wheel.

14:57:49 6           Install a new TPMS monitor, put the tire  
14:57:53 7 back on, fill it back up with air, and put it back  
14:57:56 8 on the car.

14:57:56 9           **Q.**     All right. So tell me exactly. You've  
14:57:57 10 got the tire off. The air's out of the tire, and  
14:57:57 11 the tire's off the car.

14:57:58 12           So you're sitting there -- you've got a --  
14:58:00 13 you've got a car up on a jack, right?

14:58:01 14           **A.**     Yes.

14:58:02 15           **Q.**     What do you guys -- you guys have a  
14:58:03 16 lift?

14:58:04 17           **A.**     Yes.

14:58:04 18           **Q.**     Is that what it's called, a lift?

14:58:06 19           **A.**     Yes.

14:58:06 20           **Q.**     So you've got it up on the lift, so  
14:58:08 21 it's up where you can see under the car, right?

14:58:10 22           **A.**     Yes.

14:58:10 23           **Q.**     Okay. And so you've got the tire off

**Brown - Keach - 10-8-19**

108

14:58:13 1 and you've got the wheel sitting there.

14:58:16 2 How does one go about removing the TPMS  
14:58:19 3 module at that point?

14:58:21 4 **A.** It has one nut that screws onto the  
14:58:24 5 valve stem that holds it to the wheel.

14:58:26 6 **Q.** Okay. And is that in front of the  
14:58:28 7 wheel or behind the wheel?

14:58:29 8 **A.** It's --

14:58:30 9 **Q.** When I say in front of the wheel -- let  
14:58:32 10 me do a better job.

14:58:33 11 Is it on the road side of the wheel or on  
14:58:35 12 the interior of the wheel?

14:58:37 13 **A.** It would be on the road side of the  
14:58:39 14 wheel.

14:58:40 15 **Q.** Okay. And so how difficult -- so it's  
14:58:42 16 a nut. What do you need, a wrench or --

14:58:44 17 **A.** A socket. It's just one socket, you  
14:58:46 18 know, one -- one nut.

14:58:48 19 **Q.** Okay. And then where are the grooves  
14:58:50 20 for the nut?

14:58:51 21 **A.** The threads?

14:58:52 22 **Q.** My apologies. The threads.

14:58:54 23 **A.** The threads -- the threads are built



**Brown - Keach - 10-8-19**

109

14:58:56 1 into the shaft of the aluminum stem itself.

14:58:59 2           **Q.**     Okay. And would those -- and where  
14:59:02 3 would those grooves originate from? Would they  
14:59:05 4 originate -- do you understand what I mean?

14:59:06 5           Like you're dealing with a part, and it has  
14:59:09 6 grooves, and -- you know, you shove this thing  
14:59:10 7 through. There will be grooves there, and you put  
14:59:13 8 the nut on, right?

14:59:13 9           **A.**     Right.

14:59:14 10          **Q.**     Okay. So would those -- those grooves  
14:59:15 11 would originate from inside the wheel and then go  
14:59:20 12 out; fair to say?

14:59:21 13          **A.**     They're not always threaded, grooved,  
14:59:28 14 the whole entire length of the stem, so the part of  
14:59:31 15 the stem that actually protrudes through the wheel  
14:59:33 16 may not have threads on it, and -- that part might  
14:59:37 17 be just smooth, and then the -- the threaded part  
14:59:40 18 would protrude out of the wheel.

14:59:42 19          **Q.**     Okay. Got you.

14:59:44 20          **A.**     Yes.

14:59:45 21          **Q.**     So where the -- where the -- where the  
14:59:46 22 wheel should meet the nut, that's where the grooves  
14:59:49 23 would be.

**Brown - Keach - 10-8-19**

110

14:59:50 1           **A.**     Yes.

14:59:50 2           **Q.**     The grooves will not go up and down the  
14:59:52 3 entire length of the stem, correct?

14:59:54 4           **A.**     Not usually, correct.    Yes.

14:59:56 5           **Q.**     What about on Mr. Hromowyk's vehicle?

14:59:57 6           **A.**     I believe that his is -- is like that  
15:00:02 7 where the -- where the grooves would not travel  
15:00:04 8 down the entire length of the shaft, but I'm -- I'm  
15:00:07 9 not a hundred percent on that.

15:00:08 10           But that's how the majority of all of them  
15:00:11 11 are.

15:00:12 12           **Q.**     All right.    So this is -- removing this  
15:00:14 13 is as sample as getting a socket, hooking it up to  
15:00:18 14 that nut, ratcheting the socket, removing the nut,  
15:00:22 15 and then taking the TPMS module out of the interior  
15:00:26 16 of the wheel.

15:00:26 17           **A.**     Correct.

15:00:27 18           **Q.**     Okay.    So it doesn't sound like, you  
15:00:30 19 know -- sounds like it's something that would take  
15:00:32 20 an experienced mechanic, after the tire's off and  
15:00:34 21 the air's out of the tire, about a minute to do.

15:00:37 22           **A.**     It's a pretty quick process, yes.

15:00:39 23           **Q.**     All right.

**Brown - Keach - 10-8-19**

111

15:00:39 1           **A.**     It takes longer to reprogram them  
15:00:41 2 electronically than it does to actually install  
15:00:44 3 them in the vehicle.

15:00:45 4           **Q.**     All right. And is there any way -- we  
15:00:47 5 talked before about your affidavit with, you know,  
15:00:50 6 special care to remove these things.

15:00:53 7           Is there any way to exercise special care to  
15:00:56 8 get a TPMS module off a car?

15:00:58 9           **A.**     Not particularly. It's removing the  
15:01:02 10 nut, you know.

15:01:05 11           Occasionally the nut might be so rotted and  
15:01:07 12 corroded that we may have to use the hammer, like I  
15:01:10 13 told you. You might have to smash it out of there,  
15:01:13 14 but it's pretty rare.

15:01:14 15           But there's no -- there's no real special --  
15:01:17 16 nothing really special you have to do, no.

15:01:39 17           **MR. KEACH:** Just reviewing my notes. Off  
15:01:41 18 the record for a moment.

15:01:43 19           (Discussion off the record.)

15:01:54 20           **BY MR. KEACH:**

15:02:36 21           **Q.**     All right. Now, this is self-evident,  
15:02:39 22 but I just want to be thorough:

15:02:40 23           You don't know -- you have no idea what the

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

112

15:02:42 1 condition was of these various valve stems that you  
15:02:45 2 guys replaced; fair to say?

15:02:47 3 **A.** That's fair to say.

15:02:48 4 **Q.** All right. I mean, you -- you  
15:02:50 5 testified before that, you know, it's your belief  
15:02:53 6 that they were corroded, but you don't know for  
15:02:56 7 sure.

15:02:56 8 **A.** That's correct.

15:02:57 9 **Q.** Okay. And you don't have any  
15:02:58 10 knowledge -- do you have any knowledge as you sit  
15:03:00 11 here today that your mechanics damaged these valve  
15:03:03 12 stems when they took them off the car?

15:03:05 13 **A.** No, I do not.

15:03:17 14 **Q.** Now, going back to Exhibit UU, three of  
15:03:27 15 the four times these valve stems were replaced,  
15:03:30 16 they were done by Mr. Guthrie, correct?

15:03:33 17 **A.** Correct.

15:03:33 18 **Q.** And then one time they were done by  
15:03:36 19 Mr. Miceli? Is that how you say it?

15:03:38 20 **A.** They were done by Bob Leman.

15:03:40 21 **Q.** Oh, Bob Leman. My apologies. Scott  
15:03:43 22 Miceli was the service advisor.

15:03:45 23 **A.** Yes.

**JACK W. HUNT & ASSOCIATES, INC.**

1120 Liberty Building

Buffalo, New York 14202 - (716) 853-5600

**Brown - Keach - 10-8-19**

113

15:03:45 1 Q. My apologies. Okay. And I think you  
15:03:47 2 said Bob still works for you.

15:03:48 3 A. Bob works for me, yes.

15:03:50 4 Q. Okay. Did you talk to Bob at all --

15:03:53 5 A. No.

15:03:54 6 Q. -- about Mr. Hromowyk's valve stems?

15:03:57 7 A. No.

15:03:57 8 Q. Did you tell anybody you had to come  
15:04:01 9 here today besides your wife?

15:04:03 10 A. Well, the guys at work, including Bob.

15:04:13 11 Q. I think you said that they knew you had  
15:04:14 12 to be here today.

15:04:15 13 A. Yes.

15:04:15 14 Q. And then they were probably making fun  
15:04:18 15 of you.

15:04:19 16 A. I told them how much I was looking  
15:04:21 17 forward to this for the -- for the 30 bucks I made  
15:04:24 18 on a tire pressure monitor.

15:04:29 19 Q. Anybody else?

15:04:29 20 A. No.

15:04:56 21 Q. Did you tell your significant other you  
15:04:58 22 were coming here today?

15:04:58 23 A. Yes, I did.

**Brown - Keach - 10-8-19**

114

15:04:59 1 Q. All right. So anybody beyond your  
15:05:01 2 significant other or the guys that you work with?

15:05:04 3 A. No.

15:05:04 4 Q. When is the last time that you had  
15:05:06 5 communication with Mr. Azar?

15:05:11 6 A. I think it was -- might have been -- I  
15:05:13 7 think it was August. Was that -- I'm not positive.  
15:05:16 8 Last time he emailed. I believe it was August.

15:05:20 9 Q. Would that be in conjunction with you  
15:05:22 10 returning the affidavit to him --

15:05:23 11 A. Yes.

15:05:23 12 Q. -- that he asked for?

15:05:24 13 A. Yes.

15:05:25 14 Q. No communication since then?

15:05:26 15 A. Not that I recall.

15:05:28 16 Q. All right. And you didn't talk to  
15:05:29 17 Mr. Azar about the substance of your testimony at  
15:05:31 18 any point in time today, correct?

15:05:34 19 A. Correct.

15:05:34 20 Q. All right.

15:05:43 21 MR. KEACH: I'm going to take just a minute,  
15:05:45 22 call a colleague of mine in Washington, and then  
15:05:48 23 we're all done. We'll have you out of here.

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Azar - 10-8-19**

115

15:05:51 1           **MR. AZAR:** I've got about ten minutes of  
15:05:52 2 questions to ask. Whatever you want to do.

15:05:56 3           **MR. KEACH:** Why don't you just ask him.  
15:05:57 4 (Discussion off the record.)

15:06:04 5

15:06:04 6           **EXAMINATION BY MR. AZAR:**

15:06:04 7

15:06:06 8           **Q.** Mr. Brown, my name is Tom Azar. I  
15:06:09 9 represent FCA US.

15:06:13 10           Just following up on before, in terms of  
15:06:19 11 removing a TPMS unit from a vehicle, you and  
15:06:26 12 Mr. Keach were just discussing about how, on some  
15:06:29 13 occasions, a technician would be essentially forced  
15:06:32 14 to use a hammer to -- to smash the nut off.

15:06:36 15           Is there more than one nut on a TPMS unit?

15:06:39 16           **A.** No.

15:06:39 17           **Q.** Okay. Are you aware of whether  
15:06:45 18 Mr. Hromowyk's claims are about a damaged nut or a  
15:06:50 19 corroded nut?

15:06:51 20           **A.** I am not sure.

15:06:53 21           **Q.** Okay. And you can't say -- well,  
15:06:58 22 strike that.

15:07:00 23           Is it fair to say you don't have any

**JACK W. HUNT & ASSOCIATES, INC.**

*1120 Liberty Building*

*Buffalo, New York 14202 - (716) 853-5600*

**Brown - Azar - 10-8-19**

116

15:07:03 1 information in Brownie's records or talking to  
15:07:06 2 people at Brownie's as to whether some nut on  
15:07:12 3 Mr. Hromowyk's vehicle's TPMS unit was smashed off  
15:07:15 4 with a hammer?

15:07:16 5 **A.** That's fair to say.

15:07:17 6 **Q.** Okay. And we just don't know that,  
15:07:21 7 because there's no record of it, no information  
15:07:24 8 about it, right?

15:07:25 9 **A.** Right.

15:07:31 10 **Q.** If someone is smashing a nut with a  
15:07:34 11 hammer on a TPMS unit, that could damage the rest  
15:07:40 12 of the TPMS unit, right?

15:07:41 13 **A.** Yes.

15:07:42 14 **Q.** And if a technician is -- is pulling a  
15:07:46 15 TPMS unit out to replace it, absent some contrary  
15:07:50 16 instruction, they're just going to assume they  
15:07:52 17 can -- they can smash that thing to oblivion and no  
15:07:55 18 one's going to care, right?

15:07:58 19 **A.** That --

15:07:59 20 **Q.** The TPMS unit itself. Not, obviously,  
15:08:02 21 other parts of the vehicle.

15:08:03 22 **A.** Right. Well, unless they were having  
15:08:05 23 trouble getting it out the proper way, there would



**Brown - Azar - 10-8-19**

117

15:08:08 1 be no reason for them to smash it.

15:08:10 2           Like I say, if the nut was corroded or it  
15:08:13 3 was stripped out and they couldn't get it off, then  
15:08:15 4 they might smash it out, but typically, just to  
15:08:18 5 replace it, they wouldn't smash it.

15:08:20 6           **Q.** And a TPMS unit or -- well, a nut on  
15:08:23 7 any vehicle that's been in place for six, seven,  
15:08:28 8 eight, nine, ten years, those nuts can sometimes be  
15:08:31 9 very difficult to remove, in your experience?

15:08:33 10           **A.** Yes.

15:08:41 11           **Q.** And so it would be more likely that, in  
15:08:45 12 a situation where you're talking about a nut that's  
15:08:46 13 been installed on a vehicle component for six,  
15:08:51 14 seven, eight, nine, ten years, that you'd have to  
15:08:54 15 use a fair amount of force or a hammer or -- or  
15:08:57 16 something that would alter the condition of the  
15:08:59 17 component in removing it, right?

15:09:01 18           **MR. KEACH:** Objection to form.

15:09:03 19           **THE WITNESS:** It's possible, but not all  
15:09:05 20 nuts, I mean, you know.

15:09:09 21           **BY MR. AZAR:**

15:09:09 22           **Q.** Oh, not all nuts, but it's possible.

15:09:11 23           **A.** Yes.

**Brown - Azar - 10-8-19**

118

15:09:12 1           **Q.**     It would not surprise you that that  
15:09:14 2     would be required on a vehicle component that is,  
15:09:17 3     you know, six, seven, eight, nine, ten years old?

15:09:19 4           **A.**     Yes, in this part of the country, that  
15:09:22 5     wouldn't surprise me, no.

15:09:23 6           **Q.**     Okay. I'm going to show you a copy of  
15:09:54 7     your declaration. I understand it was previously  
15:09:56 8     marked as Exhibit RR.

15:10:15 9           Now, Mr. Brown, I know you went through this  
15:10:19 10     declaration before. This is a declaration that  
15:10:25 11     someone representing FCA US typed up based on  
15:10:29 12     information you'd given to FCA US, right?

15:10:31 13           **A.**     Yes.

15:10:31 14           **Q.**     Okay. And in the first paragraph at  
15:10:36 15     the bottom, you state:

15:10:37 16           I make this declaration based on personal  
15:10:39 17     knowledge of facts set forth herein, including my  
15:10:42 18     review of the records of Brownie's that are kept in  
15:10:44 19     the ordinary course of its business and information  
15:10:47 20     provided to me by persons upon whom I regularly  
15:10:50 21     rely in the ordinary course of my business.

15:10:52 22           Do you see that?

15:10:53 23           **A.**     Yes.

**Brown - Azar - 10-8-19**

119

15:10:54 1           **Q.**     Okay. And in putting the information  
15:10:57 2 together for your declaration, that's all you could  
15:10:59 3 do, right? You could rely on what you personally  
15:11:02 4 knew, what Brownie's records show, and what someone  
15:11:07 5 at Brownie's might recall from events that occurred  
15:11:09 6 years and years ago.

15:11:11 7           **A.**     Yes.

15:11:11 8           **Q.**     Okay. In paragraph 2, you talk about  
15:11:16 9 how it's Brownie's normal practice that if a  
15:11:20 10 customer asks for a part that is removed to be  
15:11:23 11 returned to them, that's typically reflected in the  
15:11:26 12 invoice and in Brownie's records, right?

15:11:29 13           **A.**     Yes, that's how we're supposed to do  
15:11:31 14 things.

15:11:32 15           **Q.**     Okay. And is that policy communicated  
15:11:35 16 to all the employees at Brownie's?

15:11:39 17           **A.**     Well, there is only one person who  
15:11:41 18 would put that note on a -- on an invoice. It  
15:11:44 19 would be the service manager himself.

15:11:46 20           **Q.**     Okay.

15:11:46 21           **A.**     And then when the -- when the  
15:11:48 22 technician gets it, he'll see where it says save  
15:11:50 23 old part.

**Brown - Azar - 10-8-19**

120

15:11:51 1           **Q.**     And that's because the -- the  
15:11:54 2 service -- is it the service -- you called it the  
15:11:55 3 service manager?

15:11:57 4           **A.**     Service writer, service manager, yes.

15:11:59 5           **Q.**     Okay.   So how things work at Brownie's  
15:12:02 6 is that a customer interacts with a service manager  
15:12:05 7 or a service writer.

15:12:06 8           **A.**     Yes.

15:12:07 9           **Q.**     And that person types up instructions,  
15:12:10 10 and those instructions are provided in written form  
15:12:13 11 to a technician who's actually going to do the work  
15:12:17 12 on the vehicle, right?

15:12:18 13           **A.**     Yes.

15:12:18 14           **Q.**     Typically it's not someone at the front  
15:12:23 15 desk of the repair shop just goes back and orally  
15:12:26 16 tells someone what to do.   They write it down, and  
15:12:29 17 for good reason, right?

15:12:30 18           **A.**     That's what they're supposed to do for  
15:12:32 19 good reason, so they don't look like a bunch of  
15:12:36 20 amateurs.

15:12:37 21           **Q.**     Right.   Because otherwise, mistakes are  
15:12:38 22 going to be made.

15:12:39 23           **A.**     Yes.

**Brown - Azar - 10-8-19**

121

15:12:39 1           **Q.**     Okay.  Are Brownie's invoices and  
15:12:42 2 records generally accurate as they can possibly be?

15:12:46 3           **A.**     Yes.

15:12:46 4           **Q.**     Okay.  Do you have any reason to think  
15:12:51 5 that when you looked through the invoices -- for  
15:12:56 6 example, Exhibit UU -- that the service managers  
15:13:04 7 didn't follow Brownie's policy in terms of writing  
15:13:06 8 down -- if a part's going to be saved, that needs  
15:13:12 9 to be written on the invoice itself?

15:13:14 10          **A.**     If -- if Mr. Hromowyk is in possession  
15:13:16 11 of his old tire pressure monitors, then I would say  
15:13:20 12 yes, somebody didn't do it the way they were  
15:13:23 13 supposed to.

15:13:24 14          **Q.**     Right.  And that's -- that's another  
15:13:26 15 point I'd like to clarify with you.

15:13:27 16                 You don't know anything about, other than  
15:13:31 17 Mr. Keach's representations, that Mr. Hromowyk has  
15:13:33 18 any part removed from his vehicle other than the  
15:13:36 19 part removed in 2019, right?

15:13:38 20          **A.**     Correct.

15:13:39 21          **Q.**     Okay.  And so when you were asked  
15:13:43 22 earlier about, "Well, maybe this part of my  
15:13:47 23 declaration would be incorrect if Mr. Hromowyk

**JACK W. HUNT & ASSOCIATES, INC.***1120 Liberty Building**Buffalo, New York 14202 - (716) 853-5600*

**Brown - Azar - 10-8-19**

122

15:13:50 1 actually has the component that was removed from  
15:13:53 2 his vehicle," that's an assumption that you can't  
15:13:57 3 make, right?

15:13:57 4           You don't have any reason to think that  
15:13:59 5 Mr. Hromowyk is in possession of any component  
15:14:01 6 removed from his vehicle other than the TPMS  
15:14:05 7 component that was removed in 2019, right?

15:14:08 8           **A.**     That's the only one that I can  
15:14:11 9 personally confirm, just because I see it in  
15:14:13 10 writing.

15:14:13 11           **Q.**     Right. And in terms of looking at  
15:14:17 12 Brownie's records, talking to people at Brownie's,  
15:14:22 13 that's the only information Brownie's has of any  
15:14:25 14 component being returned to Mr. Hromowyk; is that  
15:14:28 15 fair?

15:14:29 16           **A.**     Yes.

15:14:29 17           **Q.**     Okay. And you don't have any  
15:14:37 18 independent way to confirm whether whatever  
15:14:41 19 Mr. Hromowyk says he has is genuine, do you?

15:14:44 20           **A.**     No, I do not.

15:14:53 21           **Q.**     In your declaration in paragraph 3, you  
15:14:59 22 state:

15:15:00 23           Mr. Hromowyk did not inform Brownie's of any

**JACK W. HUNT & ASSOCIATES, INC.***1120 Liberty Building**Buffalo, New York 14202 - (716) 853-5600*

**Brown - Azar - 10-8-19**

123

15:15:02 1 planned or pending lawsuit related to this  
15:15:04 2 component.

15:15:04 3 Do you see that?

15:15:06 4 **A.** Yes.

15:15:06 5 **Q.** Okay. Now, that fact is not -- strike  
15:15:14 6 that.

15:15:15 7 Brownie's has no records and you and your  
15:15:20 8 employees have no information indicating that  
15:15:22 9 Mr. Hromowyk ever told anyone at Brownie's that he  
15:15:26 10 was planning any lawsuit or had filed any lawsuit,  
15:15:29 11 right?

15:15:30 12 **A.** That's correct.

15:15:30 13 **Q.** Okay. And in fact, are you aware that  
15:15:34 14 Mr. Hromowyk himself testified that he had not told  
15:15:39 15 anyone at Brownie's about any planned or pending  
15:15:42 16 lawsuit?

15:15:42 17 **A.** No, I'm not.

15:15:43 18 **Q.** Okay. Are you aware that Mr. Hromowyk  
15:15:52 19 himself testified that he did not ask anyone at  
15:15:56 20 Brownie's to take any special precautions to avoid  
15:15:59 21 altering components removed from his vehicle?

15:16:02 22 **A.** No, I'm not.

15:16:05 23 **Q.** And Brownie's records and Brownie's

**Brown - Azar - 10-8-19**

124

15:16:12 1 personnel, as far as they know and as far as they  
15:16:15 2 reflect, no request to avoid altering or damaging  
15:16:20 3 any component removed from Mr. Hromowyk's vehicle  
15:16:22 4 was ever made, yes?

15:16:24 5 **A.** That's correct.

15:16:39 6 **Q.** And everything available to Brownie's  
15:16:42 7 and to you and the people who work at Brownie's  
15:16:46 8 indicates that, with regard to the 2017 TPMS  
15:16:56 9 removal and the 2018 TPMS removal, that nothing  
15:17:01 10 was, in fact, saved and that whatever was removed,  
15:17:05 11 the TPMS unit, that was thrown in the trash.

15:17:09 12 **A.** I have no physical records that those  
15:17:11 13 were saved, correct.

15:17:13 14 **Q.** And you have no other records or other  
15:17:14 15 information indicating they were saved, right?

15:17:17 16 **A.** Right.

15:17:25 17 **Q.** Other than Mr. Keach's representation  
15:17:27 18 to you that Mr. Hromowyk thinks he has something  
15:17:32 19 that was returned to him, are you aware of any  
15:17:34 20 evidence anywhere that suggests those components  
15:17:38 21 were not thrown in the trash?

15:17:40 22 **A.** No.

15:17:41 23 **Q.** Do you have any information or any



**Brown - Azar - 10-8-19**

125

15:17:49 1 reason to believe those components removed in 2017  
15:17:52 2 and 2018 -- that those TPMS components were thrown  
15:17:56 3 in the trash?

15:17:59 4 **A.** What was that again? What's that  
15:18:01 5 again?

15:18:01 6 **Q.** Let me try it again.

15:18:03 7 Do you have any reason whatsoever to think  
15:18:06 8 that the TPMS components removed from  
15:18:09 9 Mr. Hromowyk's vehicle in 2017 and 2018 were not  
15:18:14 10 thrown in the trash?

15:18:17 11 **A.** No, I do not.

15:18:19 12 **Q.** As far as you know and as far as  
15:18:20 13 Brownie's records and personnel know, they were  
15:18:24 14 thrown in the trash, right?

15:18:26 15 **A.** Right.

15:18:52 16 **MR. AZAR:** Mr. Keach, the February 12th,  
15:18:54 17 2013 invoice, that's Exhibit SS, correct?

15:18:57 18 **MR. KEACH:** One moment, please.

15:19:04 19 February 12th, 2013, is SS, yes.

15:19:08 20 **BY MR. AZAR:**

15:19:18 21 **Q.** Mr. Brown, is it fair to say that you  
15:19:21 22 have no personal memory of working on this repair  
15:19:26 23 in February 2013?

**JACK W. HUNT & ASSOCIATES, INC.**

1120 Liberty Building

Buffalo, New York 14202 - (716) 853-5600

**Brown - Azar - 10-8-19**

126

15:19:28 1           **A.**     Yes.

15:19:29 2           **Q.**     Okay. Do you have any reason to think  
15:19:32 3 that you personally had any involvement with this  
15:19:34 4 repair?

15:19:35 5           **A.**     No.

15:19:35 6           **Q.**     And it's fair to say that you can't  
15:19:44 7 swear to whatever did or didn't happen here because  
15:19:49 8 you weren't involved. All you know is what's  
15:19:52 9 reflected in black and white on the invoice itself,  
15:19:55 10 right?

15:19:55 11           **A.**     That's correct.

15:20:19 12           **Q.**     What would Brownie's charge to replace  
15:20:20 13 just the nut on a TPMS unit? Is that something  
15:20:23 14 that would be included in that repair kit that we  
15:20:27 15 looked at earlier?

15:20:29 16           **A.**     That's exactly what that is, yes.

15:20:30 17           **Q.**     Okay. So the nut on the TPMS unit, if  
15:20:41 18 I'm looking at Exhibit UU, costs about \$5?

15:20:51 19           **A.**     Yes.

15:20:54 20           **Q.**     Okay. So when we were looking at the  
15:21:29 21 2013 repair, it's possible that someone at  
15:21:37 22 Brownie's may have replaced nuts on TPMS units at  
15:21:42 23 that time if they showed some problem or corrosion

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Azar - 10-8-19**

127

15:21:45 1 or just if they cracked?

15:21:47 2           **A.** It would be noted on the -- on the  
15:21:50 3 invoice in 2013 if that were the case.

15:21:59 4           **Q.** That invoice does note a new valve  
15:22:02 5 stem, right?

15:22:03 6           **A.** Correct.

15:22:04 7           **Q.** For each tire?

15:22:06 8           **A.** Yes.

15:22:06 9           **Q.** And you mentioned earlier that  
15:22:19 10 sometimes costs from the labor side or the repair  
15:22:26 11 side will be sort of mixed together in the invoice?

15:22:29 12           I believe you testified to something to that  
15:22:31 13 effect. We looked at one of the invoices where no  
15:22:33 14 labor was listed, but it had just been folded into  
15:22:36 15 the cost of the parts?

15:22:38 16           **A.** Typically we'll say, behind the cost of  
15:22:42 17 the part, the word installed.

15:22:47 18           **Q.** But not always?

15:22:48 19           **A.** No, always. It's either going to have  
15:22:53 20 a labor charge or it will say the word installed  
15:22:55 21 after.

15:23:29 22           **Q.** Is anyone at Brownie's trained in  
15:23:35 23 preservation of evidence or forensics?

**Brown - Keach - 10-8-19**

128

15:23:40 1           **A.**     No.

15:25:19 2           **Q.**     And as you sit here today, aside from  
15:25:24 3 Mr. Keach's representation that Mr. Hromowyk still  
15:25:27 4 has some components beyond the 2019 component, do  
15:25:32 5 you have any reason to think anything in your  
15:25:34 6 declaration is false?

15:25:36 7           **A.**     No.

15:25:37 8           **Q.**     Okay.

15:25:39 9           **MR. AZAR:** I have no further questions.

15:25:44 10

15:25:44 11           **FURTHER EXAMINATION BY MR. KEACH:**

15:25:44 12

15:25:45 13           **Q.**     Okay. If you have a nut on a TPMS  
15:25:51 14 module that's corroded, there are a number of  
15:25:53 15 things that a mechanic would do before he'd pull  
15:25:57 16 out the hammer. Am I right about that?

15:25:59 17           **A.**     He would attempt to remove it first  
15:26:01 18 before he would smash it, yes.

15:26:04 19           **Q.**     Now, this is -- like represents the  
15:26:05 20 limited mechanical knowledge that I know, but one  
15:26:08 21 tool that mechanics use to try to get corroded nuts  
15:26:11 22 to move is WD-40 or some sort of lubricant, right?

15:26:15 23           **A.**     Yes, for sure.

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

129

15:26:17 1 Q. They'd spray WD-40 on there and give it  
15:26:17 2 a minute and then try to get it out; fair to say?

15:26:19 3 A. Yes. Yes.

15:26:20 4 Q. Sometimes they heat it up a little bit  
15:26:24 5 and that helps?

15:26:24 6 A. Well, on a rusty nut, yes. We wouldn't  
15:26:27 7 do that on a -- a tire pressure monitor we wouldn't  
15:26:31 8 heat up, because when you've got a torch out, the  
15:26:32 9 risk of damaging the wheel is too great if you're  
15:26:35 10 going to have a torch that close to the -- yes.

15:26:37 11 Q. Got you. So anything else you would to  
15:26:41 12 get a corroded nut off the TPMS module besides use  
15:26:48 13 WD-40?

15:26:49 14 A. That's pretty much it, yes.

15:26:50 15 Q. Okay. And so I'm going to ask you to  
15:26:55 16 take a look at what we previously marked in this  
15:26:58 17 case as Exhibit PP.

15:27:02 18 And this is a photo that Mr. Hromowyk took  
15:27:12 19 of his nut of his -- one of his TPMS modules before  
15:27:17 20 it was replaced.

15:27:18 21 A. Okay.

15:27:18 22 Q. Now, I know there's a limit to what you  
15:27:20 23 can determine by taking a look at a photo, but does

**Brown - Keach - 10-8-19**

130

15:27:24 1 that look like a nut you can still get off, you  
15:27:27 2 know, even with the crack there?

15:27:28 3 **A.** Most likely.

15:27:31 4 **Q.** All right. Now, you know, if Mr. --  
15:27:44 5 let's assume -- you know, I asked you this before,  
15:27:45 6 but I want to be more specific.

15:27:46 7 Mr. Hromowyk came in and says, "Hey, take  
15:27:49 8 special care to remove this TPMS module for me."

15:27:53 9 It ain't going to matter to the mechanic on  
15:27:55 10 the floor. He's going to get it off using a  
15:27:59 11 socket, WD-40, and, if he needs to, hammering the  
15:28:03 12 thing, right?

15:28:04 13 **A.** Yes, if it's -- like if it's stuck, he  
15:28:06 14 might give it a few extra minutes trying to get it  
15:28:09 15 out before smashing it out because the customer  
15:28:11 16 asked us, but if it's -- if it's stuck and it won't  
15:28:14 17 come apart, eventually he's going to just whack it.

15:28:14 18 **Q.** All right.

15:28:17 19 **A.** So --

15:28:18 20 **Q.** Okay. Well, if somebody whacks on a  
15:28:22 21 TPMS module, that's pretty much going to break it,  
15:28:23 22 right?

15:28:24 23 **A.** It will --

**Brown - Keach - 10-8-19**

131

15:28:24 1 Q. That's the point of hammering.

15:28:26 2 A. Yes, the whack would be to drive it  
15:28:28 3 through the hole, and it would -- it would damage  
15:28:30 4 the -- the outer part of the stem.

15:28:32 5 Q. Okay. And so someone that's a trained  
15:28:35 6 mechanical engineer or metallurgist could look at  
15:28:38 7 that and figure out that that happened, right?

15:28:41 8 A. Yes.

15:28:41 9 Q. Okay. You could probably take a look  
15:28:43 10 at it and see if that happened; fair to say?

15:28:46 11 A. Yes.

15:28:46 12 Q. All right. It would be evident by  
15:28:48 13 looking at the actual -- at the actual TPMS module,  
15:28:51 14 correct?

15:28:52 15 A. Most likely. If it was stuck in there  
15:28:55 16 hard enough and you had to give it a hard enough  
15:28:57 17 whack, there would be a dent or a flat part on the  
15:29:00 18 top or something along those lines.

15:29:02 19 Q. That would reflect that somebody had to  
15:29:03 20 take a hammer to it.

15:29:03 21 A. Yes.

15:29:04 22 Q. So other than that, other than taking a  
15:29:05 23 hammer to it, there's no difference -- you know, if

**Brown - Keach - 10-8-19**

132

15:29:08 1 I came in, again, and said, "This TPMS module is  
15:29:11 2 made out of solid gold and you guys have to be  
15:29:13 3 extra special careful in getting it out of there,"  
15:29:15 4 it ain't going to -- "You're not going to hammer  
15:29:18 5 it," it ain't going to make any difference. You're  
15:29:20 6 going to use a socket wrench on the nut to get the  
15:29:23 7 thing out of the wheel, right?

15:29:24 8 **A.** Yes.

15:29:24 9 **Q.** All right. Now, same for a lawsuit.  
15:29:26 10 If I came in and said, "Hey, I'm involved in a  
15:29:30 11 lawsuit against FCA US, and so I need you guys, you  
15:29:33 12 know, to take care of this module for me because  
15:29:36 13 I'm in a lawsuit against FCA US," it isn't going to  
15:29:39 14 change how you get the TPMS module off the car, is  
15:29:41 15 it?

15:29:42 16 **A.** No, because if -- if it's got to come  
15:29:44 17 out and that's the only way to get it out, that's  
15:29:46 18 what you're going to do.

15:29:48 19 **Q.** Yes, all right. I mean, if you -- and  
15:29:48 20 the way you get it out is use the socket wrench --  
15:29:51 21 first you use the socket wrench. If it doesn't  
15:29:55 22 work, then you use the socket wrench with WD-40,  
15:29:55 23 right?

**JACK W. HUNT & ASSOCIATES, INC.**

1120 Liberty Building

Buffalo, New York 14202 - (716) 853-5600



**Brown - Keach - 10-8-19**

133

15:29:56 1           **A.**     Right.

15:29:56 2           **Q.**     And then, you know -- then you hammer  
15:29:58 3 on it to get it out.

15:30:00 4           **A.**     Correct.

15:30:00 5           **Q.**     Did -- did Mr. -- when you spoke to  
15:30:05 6 Mr. Azar before filling out your declaration, did  
15:30:08 7 he identify who he worked for?

15:30:10 8           **A.**     I believe he did. I'm not a hundred  
15:30:14 9 percent positive, but I -- I believe he did.

15:30:16 10          **Q.**     Okay. Well, do you know -- I mean, did  
15:30:19 11 you know at the time you filled this out who  
15:30:22 12 Mr. Azar worked for?

15:30:23 13          **MR. AZAR:** Object to the form. Asked and  
15:30:24 14 answered.

15:30:26 15          **THE WITNESS:** Yes, I believe -- I believe I  
15:30:28 16 do, yes.

15:30:28 17          **BY MR. KEACH:**

15:30:29 18          **Q.**     Well, I don't mean today. Today it's  
15:30:32 19 self-evident.

15:30:32 20          **A.**     Right.

15:30:33 21          **Q.**     I mean, I'm the lawyer for Tom Hromowyk  
15:30:36 22 and Bob Tomassini and a proposed class of other  
15:30:39 23 people that bought these cars, and Mr. Azar works

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

134

15:30:42 1 for, you know, FCA US.

15:30:43 2 **A.** Right.

15:30:44 3 **Q.** But prior to you filling out the  
15:30:45 4 declaration, did you know that Mr. Azar worked for  
15:30:49 5 FCA US?

15:30:49 6 **MR. AZAR:** Object to the form. Asked and  
15:30:51 7 answered.

15:30:51 8 **THE WITNESS:** You know, I'm sure it was in  
15:30:58 9 his -- I'm assuming, I should say, it was in his  
15:31:02 10 emails and whatnot. I guess I never really thought  
15:31:05 11 to myself, "I better make sure which firm he's  
15:31:08 12 working for." I was just out to basically answer  
15:31:10 13 the questions to the best of my knowledge, you  
15:31:13 14 know.

15:31:13 15 **BY MR. KEACH:**

15:31:13 16 **Q.** Okay. And also avoid having to come  
15:31:15 17 here today.

15:31:16 18 **A.** Yes.

15:31:16 19 **MR. AZAR:** Object to the form.

15:31:16 20 **BY MR. KEACH:**

15:31:26 21 **Q.** Now, in your affirmation, it says that  
15:31:28 22 you relied on other people -- or your declaration  
15:31:31 23 says you relied on other people that worked for

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

135

15:31:33 1 Brownie's to assist you in providing the  
15:31:35 2 declaration.

15:31:35 3 Who were those other people?

15:31:40 4 **A.** It says that in my declaration?

15:31:43 5 **Q.** Yes, I'll show it to you just quickly  
15:31:45 6 here. It says -- Mr. -- Mr. Azar reviewed it with  
15:31:49 7 you during your testimony, so I put it back up,  
15:31:52 8 Exhibit RR.

15:31:54 9 And it says: And information provided to me  
15:31:57 10 by persons upon whom I regularly rely in the  
15:32:00 11 ordinary course of my business.

15:32:22 12 **A.** Yes, I guess I don't know that that's a  
15:32:24 13 hundred percent accurate, because I didn't  
15:32:26 14 actually -- I got my information from what's in my  
15:32:29 15 computer, what's on my records, but I did not  
15:32:32 16 personally speak to, say, Howard Guthrie, who would  
15:32:35 17 have installed them.

15:33:31 18 **Q.** Okay. I'm going to show you what we're  
15:33:34 19 going to mark as Exhibit VV, so give me just a  
15:33:38 20 moment.

15:33:38 21 **The following was marked for Identification:**

22 **HROMOWYK EXH. VV letter dated August 2, 2019,**  
23 **one page**

**Brown - Keach - 10-8-19**

136

15:33:42 1 **BY MR. KEACH:**

15:33:43 2 **Q.** And before I show you this, you don't  
15:33:44 3 have any knowledge about what Mr. Hromowyk said  
15:33:46 4 during his deposition, do you?

15:33:47 5 **A.** No, I do not.

15:34:10 6 **Q.** Okay. This is a letter that was  
15:34:12 7 forwarded by my colleague, Gary Graifman, to Steve  
15:34:16 8 D'Aunoy, who is the lead -- or the main defense  
15:34:19 9 attorney in this case. It was also circulated to  
15:34:22 10 Mr. Azar.

15:34:22 11 I'm just going to read it into the record  
15:34:24 12 briefly. It's dated August 2nd, 2019.

15:34:27 13 "I understand that at the deposition of  
15:34:31 14 Mr. Hromowyk, you requested inspection of the  
15:34:33 15 failed Chrysler TPMS units that were on  
15:34:36 16 Mr. Hromowyk's vehicle which, after failure, were  
15:34:39 17 retained by him. Those are currently in the  
15:34:42 18 possession of our expert, Eric Sullivan.

15:34:44 19 "We would propose that you designate an  
15:34:47 20 expert to inspect those at Mr. Sullivan's offices  
15:34:50 21 in Santa Clara, California. Please let us know if  
15:34:53 22 this is acceptable and, if so, the estimated date  
15:34:57 23 at which your expert wishes to inspect the failed

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

137

15:35:00 1 Chrysler TPMS units and the name of such expert.

15:35:06 2 "Truly yours, Gary Graifman."

15:35:08 3 So I just want to confirm:

15:35:09 4 This letter was sent to Mr. Azar and his  
15:35:13 5 colleagues like roughly a little under three weeks  
15:35:16 6 before he secured the affidavit from you, correct?

15:35:18 7 **A.** Correct.

15:35:19 8 **Q.** And he did not bring this to your  
15:35:21 9 attention, correct?

15:35:21 10 **A.** Correct.

15:35:22 11 **Q.** And you had no knowledge of the  
15:35:24 12 information that's in this letter, correct?

15:35:26 13 **A.** Correct.

15:35:28 14 **Q.** And you also have no knowledge that the  
15:35:32 15 Plaintiffs' counsel invited Mr. Azar to have an  
15:35:35 16 expert come and look at his -- look at these TPMS  
15:35:39 17 units, correct?

15:35:40 18 **A.** Correct.

15:35:40 19 **Q.** And you had no knowledge about whether  
15:35:41 20 or not Mr. Azar or any of his colleagues actually  
15:35:43 21 took that step of hiring an expert to come and look  
15:35:45 22 at these units, correct?

15:35:47 23 **A.** Correct.

**Brown - Keach - 10-8-19**

138

15:35:48 1           **Q.**     And just to circle back, if  
15:35:57 2     Mr. Hromowyk retained two of these units -- and  
15:35:59 3     that would be the -- we have four repairs. There  
15:36:01 4     was the first repair. He did not retain the -- the  
15:36:05 5     unit from the repair in 2015, okay, but then we  
15:36:09 6     have the repairs in February of 2017 and May of  
15:36:15 7     2018.

15:36:16 8           So just to confirm: If Mr. Hromowyk has his  
15:36:20 9     TPMS modules from those two repairs in 2017 and  
15:36:24 10    2018, the facts that you represented in your  
15:36:28 11    affidavit about those units being disposed of or  
15:36:33 12    Mr. Hromowyk not asking for them are not accurate,  
15:36:36 13    correct?

15:36:36 14           **A.**     If Mr. Hromowyk is in possession of the  
15:36:39 15    TPMSs off his car, then yes, that is not accurate.

15:36:43 16           **Q.**     Okay.

15:36:46 17           **MR. KEACH:** I need just a moment to make a  
15:36:48 18    quick phone call.

15:40:13 19           (A recess was then taken.)

15:40:14 20           **BY MR. KEACH:**

15:40:17 21           **Q.**     Do you know Tom Hromowyk outside of  
15:40:18 22    your shop?

15:40:19 23           **A.**     No, I do not.

**Brown - Keach - 10-8-19**

139

15:40:21 1           **Q.**     All right. Now, you -- you have  
15:40:23 2 different types of customers at your -- at your  
15:40:27 3 mechanic shop.

15:40:28 4           There are people that take meticulous care  
15:40:31 5 of their cars, correct?

15:40:32 6           **A.**     Yes.

15:40:32 7           **Q.**     And then there are people like me who  
15:40:34 8 like drive their car through the mud like every few  
15:40:37 9 days and just beat the crap out of it, right?

15:40:39 10          **A.**     Yes.

15:40:40 11          **Q.**     Okay. But there are people that, you  
15:40:41 12 know, they bring their cars into the shop, and  
15:40:42 13 they're just immaculate, right?

15:40:45 14          **A.**     Yes.

15:40:45 15          **Q.**     Okay. Did you see anybody with, quote,  
15:40:47 16 unquote, immaculate -- you know, someone that you  
15:40:49 17 knew took great care of their car that had problems  
15:40:52 18 like this with their valve stems?

15:40:55 19          **A.**     Yes, I have.

15:40:56 20          **Q.**     Okay. Can you just describe the person  
15:40:58 21 and how well they take care of their car?

15:41:00 22          **A.**     Say again?

15:41:01 23          **MR. AZAR:** Object to the form.

**Brown - Keach - 10-8-19**

140

15:41:01 1 **BY MR. KEACH:**

15:41:02 2 **Q.** Can you describe the person? You know,  
15:41:04 3 is it a man? Is it a woman? What do they do?

15:41:07 4 Not -- don't give me their names.

15:41:09 5 **A.** Yes, no, we have a husband and wife  
15:41:10 6 that come in that I can think of that are pretty  
15:41:15 7 meticulous about their car, and they're having  
15:41:16 8 problems with a valve stem or two.

15:41:18 9 **Q.** And do they have the Grand Caravan  
15:41:21 10 vehicle or the Town & Country?

15:41:22 11 **A.** One of them, yes.

15:41:23 12 **Q.** Okay. Do you know -- do you get shop  
15:41:27 13 bulletins or any sort of notification from  
15:41:29 14 manufacturers directly to your shop about problems  
15:41:32 15 they may have with their cars?

15:41:34 16 **A.** Such as a technical service bulletin?  
15:41:38 17 Is that what you're trying -- when you say shop  
15:41:40 18 bulletin, or --

15:41:42 19 **Q.** Yes, like, you know, technical. Like,  
15:41:43 20 "Hey, you know, we've got this problem with our  
15:41:46 21 car. You know, keep an eye out for it."

15:41:49 22 **A.** Not really. Recalls, things like that,  
15:41:52 23 come up automatically when we open an order for a

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**



**Brown - Keach - 10-8-19**

141

15:41:55 1 car, but we don't get a -- what you're describing.

15:41:58 2           **Q.**     Okay. So you get recall notices but  
15:42:03 3 not like technical service bulletins.

15:42:05 4           **A.**     Well, technical service bulletins  
15:42:08 5 are -- are available to us if we're looking for a  
15:42:11 6 particular problem, but they're not fed to us  
15:42:14 7 like -- I don't know how to describe that.

15:42:16 8           When a car comes in with a problem, say you  
15:42:19 9 come in and your air-conditioning don't work, you  
15:42:23 10 know, we go to diagnose the problem. A thing  
15:42:25 11 called a technical service bulletin may come up and  
15:42:29 12 say, "We have had issues with such-and-such a part  
15:42:31 13 on this air-conditioning system on such-and-such a  
15:42:34 14 vehicle, and here's how you should proceed."

15:42:36 15           **Q.**     Got you. All right. You never heard  
15:42:38 16 from Chrysler about any issues with these valve  
15:42:41 17 stems, correct?

15:42:42 18           **A.**     Not that I can recall.

15:42:44 19           **Q.**     And you never -- did you ever make any  
15:42:46 20 effort to reach out to Chrysler or a dealership  
15:42:48 21 about any -- what the problem was with these valve  
15:42:51 22 stems?

15:42:51 23           **A.**     No.

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

142

15:42:52 1 Q. All right.

15:42:52 2 MR. KEACH: That's all I have. Tom, do you  
15:42:56 3 have anything in follow-up?

15:42:57 4 MR. AZAR: No.

15:42:57 5 MR. KEACH: So that concludes your  
15:42:58 6 examination.

15:42:59 7 Under the Federal Rules of Civil Procedure,  
15:43:01 8 you have the right to read and sign the transcript,  
15:43:03 9 and basically what that means is you read it over  
15:43:05 10 for accuracy.

15:43:06 11 It's my preference that you read and sign  
15:43:08 12 your transcript. Will you do that?

15:43:11 13 THE WITNESS: You want me to read the whole  
15:43:12 14 thing?

15:43:12 15 MR. AZAR: You also have the option to waive  
15:43:15 16 signature and trust the court reporter got it  
15:43:16 17 right.

15:43:16 18 MR. KEACH: He's right. You also have the  
15:43:17 19 option not to do that. You have to read it, and if  
15:43:18 20 there's something wrong with it, you send it back.

15:43:21 21 MR. AZAR: Like right now you're saying?

15:43:25 22 MR. KEACH: No, no, no, I mail it -- no, no,  
15:43:27 23 I'm sorry. No, it gets mailed to you.

**JACK W. HUNT & ASSOCIATES, INC.**

**1120 Liberty Building**

**Buffalo, New York 14202 - (716) 853-5600**

**Brown - Keach - 10-8-19**

143

15:43:29 1 I mail it to your shop. You read it over.  
15:43:31 2 If there's something that's inaccurate in there,  
15:43:33 3 you have a little correction sheet on the back, and  
15:43:35 4 you just send that back to me.

15:43:37 5 **THE WITNESS:** Okay. I'll do that.

15:43:38 6 **MR. KEACH:** All right. Let the record  
15:43:39 7 reflect the witness will read and sign, and that  
15:43:43 8 concludes this examination.

15:43:53 9 (Deposition concluded at 3:43 p.m.)

15:44:04 10

15:44:04 11 \* \* \*

15:44:06 12

13

14

15

16

17

18

19

20

21

22

23

1 I hereby CERTIFY that I have read the  
2 foregoing 143 pages, and that they are a true and  
3 accurate transcript of the testimony given by me in  
4 the above entitled action on October 8, 2019.

5  
6  
7 -----  
JARROD BROWN

8  
9 Sworn to before me this

10  
11 ----- day of -----, 2019.

12  
13 -----  
14 NOTARY PUBLIC.

1 STATE OF NEW YORK )

2 ss:

3 COUNTY OF ERIE )

4

5 I DO HEREBY CERTIFY as a Notary Public in and  
6 for the State of New York, that I did attend and  
7 report the foregoing deposition, which was taken  
8 down by me in a verbatim manner by means of machine  
9 shorthand. Further, that the deposition was then  
10 reduced to writing in my presence and under my  
11 direction. That the deposition was taken to be  
12 used in the foregoing entitled action. That the  
13 said deponent, before examination, was duly sworn  
14 to testify to the truth, the whole truth and  
15 nothing but the truth, relative to said action.

16

17

18

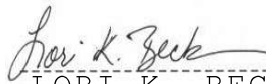
19

20

21

22

23

  
LORI K. BECK,  
CSR, RDR, CRR,  
Notary Public.

**INDEX TO EXHIBITS**

<b>Exhibit</b>	<b>Description</b>	<b>Page</b>
HRMOWYK EXH. QQ	invoice number 72822 dated 04/11/2019	23
HRMOWYK EXH. RR	Exhibit D, Declaration of Jarrod Brown	41
HRMOWYK EXH. SS	invoice number 50508 dated 02/12/2013	87
HRMOWYK EXH. TT	invoice number 59308 dated 08/04/2015	93
HRMOWYK EXH. UU	five invoices	99
HRMOWYK EXH. VV	letter dated August 2, 2019, one page	135

\*Original exhibits attached to original transcript.  
Copies of exhibits attached to all other  
transcripts.

**INDEX TO WITNESSES**

<b>Witness</b>	<b>Examination</b>	<b>Page</b>
JARROD BROWN	BY MR. KEACH:	2
	BY MR. AZAR:	115
	BY MR. KEACH:	128

**DOCUMENT PRODUCTION REQUESTS**

PAGE 44

**(BY MR. KEACH:)**

**Q.** All right. I mean, I'm assuming you could look through your emails and use the search term Azar and find all Tom's emails.

**A.** Yes, I can find those.

**Q.** Because unless you're talking about a bazaar, you know, there's really no other word choice for Azar. That's a unique last name.

**A.** No, it would definitely be in there. I don't delete anything or go around --

**Q.** All right. I'm going to follow up with a short letter to you. If you need me to send you a subpoena, I will. Hopefully you don't need that, and I'm going to ask you send those on to me so that I can look at them, okay?

**A.** Okay.

**JACK W. HUNT & ASSOCIATES, INC.**

*1120 Liberty Building*

*Buffalo, New York 14202 - (716) 853-5600*



<b>\$</b>	126:21, 127:3 <b>2014</b> [1] - 34:12 <b>2015</b> [7] - 28:2, 28:4, 31:21, 101:9, 101:12, 101:16, 138:5 <b>2017</b> [18] - 27:15, 56:16, 57:12, 58:6, 58:7, 64:13, 66:11, 66:22, 67:9, 67:17, 72:16, 72:19, 104:1, 124:8, 125:1, 125:9, 138:6, 138:9 <b>2018</b> [14] - 72:11, 73:2, 73:13, 78:4, 78:13, 78:18, 83:20, 85:12, 104:7, 124:9, 125:2, 125:9, 138:7, 138:10 <b>2019</b> [14] - 1:18, 20:11, 79:8, 104:13, 104:14, 104:15, 121:19, 122:7, 128:4, 135:22, 136:12, 144:4, 144:11, 146:11 <b>21st</b> [1] - 11:19 <b>23</b> [1] - 146:3 <b>24th</b> [7] - 72:11, 73:1, 73:13, 78:4, 78:18, 83:20, 104:7 <b>27th</b> [1] - 101:8 <b>2nd</b> [1] - 136:12	<b>5</b>	27:16, 38:6 <b>accuracy</b> [1] - 142:10 <b>accurate</b> [9] - 85:14, 89:15, 100:14, 102:4, 121:2, 135:13, 138:12, 138:15, 144:3 <b>accusing</b> [1] - 53:23 <b>action</b> [5] - 2:20, 42:13, 144:4, 145:12, 145:15 <b>actual</b> [5] - 22:22, 35:21, 78:17, 131:13 <b>additional</b> [1] - 51:17 <b>address</b> [3] - 6:21, 48:18, 102:15 <b>adjourned</b> [2] - 9:14, 13:5 <b>admitted</b> [1] - 2:7 <b>advisor</b> [2] - 25:16, 112:22 <b>affidavit</b> [27] - 11:9, 11:11, 25:2, 26:5, 40:20, 42:13, 42:16, 42:21, 43:13, 45:5, 47:22, 53:7, 53:18, 54:4, 55:19, 66:11, 68:1, 68:18, 69:1, 69:10, 71:8, 71:14, 76:9, 111:5, 114:10, 137:6, 138:11 <b>affirm</b> [4] - 53:21, 57:17, 61:6, 84:18 <b>affirmation</b> [4] - 47:5, 64:1, 64:11, 134:21 <b>affirmed</b> [7] - 53:22, 54:1, 54:2, 64:5, 64:13, 66:23, 78:23 <b>after-market</b> [2] - 35:7, 35:8 <b>ago</b> [4] - 9:14, 9:20, 102:21, 119:6 <b>agree</b> [4] - 21:4, 32:14, 78:7, 78:16 <b>ahead</b> [2] - 9:18, 46:5 <b>ain't</b> [5] - 4:19, 5:23, 130:9, 132:4, 132:5 <b>air</b> [6] - 99:3, 105:17, 107:3, 107:7, 141:9, 141:13 <b>air's</b> [2] - 107:10, 110:21 <b>air-conditioning</b> [2] - 141:9, 141:13 <b>Albany</b> [4] - 2:3, 2:18, 43:13, 60:5 <b>allowed</b> [1] - 12:13 <b>almost</b> [1] - 12:20	<b>alone</b> [2] - 83:17, 92:9 <b>alter</b> [1] - 117:16 <b>altering</b> [8] - 62:3, 62:21, 75:4, 81:17, 82:12, 84:7, 123:21, 124:2 <b>aluminum</b> [9] - 27:9, 30:15, 32:2, 34:16, 34:23, 36:9, 98:19, 106:13, 109:1 <b>amateurs</b> [1] - 120:20 <b>amount</b> [4] - 50:9, 50:10, 51:8, 117:15 <b>analysis</b> [1] - 37:6 <b>answer</b> [7] - 3:12, 3:14, 4:10, 6:22, 46:5, 49:6, 134:12 <b>answered</b> [3] - 71:1, 133:14, 134:7 <b>answering</b> [1] - 58:19 <b>antilock</b> [1] - 105:17 <b>apart</b> [3] - 27:1, 27:4, 130:17 <b>apologies</b> [6] - 80:3, 97:16, 104:15, 108:22, 112:21, 113:1 <b>appear</b> [2] - 34:3, 93:18 <b>APPEARANCES</b> [1] - 2:1 <b>Appearing</b> [2] - 2:5, 2:9 <b>apply</b> [1] - 59:4 <b>appreciate</b> [2] - 46:13, 92:13 <b>approximation</b> [1] - 30:23 <b>April</b> [5] - 79:8, 83:17, 85:12, 104:14, 104:15 <b>aptitude</b> [1] - 98:16 <b>area</b> [1] - 105:18 <b>argument</b> [1] - 14:6 <b>aside</b> [1] - 128:2 <b>assist</b> [2] - 70:5, 135:1 <b>ASSOCIATES</b> [1] - 1:17 <b>assume</b> [12] - 6:22, 21:3, 21:10, 46:6, 58:17, 59:9, 59:15, 82:7, 83:9, 84:1, 116:16, 130:5 <b>assumed</b> [1] - 68:14 <b>assumes</b> [3] - 46:1, 64:19, 67:1 <b>assuming</b> [4] -
<b>0</b>	<b>02/12/2013</b> [2] - 87:8, 146:6 <b>04/11/2019</b> [2] - 23:8, 146:3 <b>08/04/2015</b> [2] - 93:6, 146:8	<b>6</b>		
<b>1</b>	<b>1</b> [2] - 89:7, 90:2 <b>10</b> [4] - 31:2, 31:8, 46:20, 46:22 <b>109</b> [1] - 2:2 <b>11</b> [1] - 42:5 <b>1120</b> [1] - 1:17 <b>115</b> [1] - 147:4 <b>11th</b> [4] - 79:8, 104:13, 104:14, 104:15 <b>12205-5531</b> [1] - 2:3 <b>128</b> [1] - 147:5 <b>12th</b> [3] - 91:13, 125:16, 125:19 <b>135</b> [1] - 146:10 <b>143</b> [1] - 144:2 <b>15</b> [3] - 31:8, 46:20, 46:23 <b>17</b> [2] - 67:9, 72:15 <b>17th</b> [7] - 56:16, 58:6, 66:10, 66:22, 72:18, 73:10, 104:1 <b>18.95</b> [1] - 96:6 <b>1:07</b> [1] - 1:19	<b>7</b>		
	<b>3</b>	<b>8</b>		
	<b>4</b>	<b>9</b>		
<b>2</b>	<b>4</b> [2] - 72:9, 72:22 <b>4/11</b> [2] - 20:11, 22:17 <b>4/11/2019</b> [3] - 22:5, 23:23, 94:23 <b>40</b> [2] - 46:17, 52:6 <b>41</b> [1] - 146:4 <b>434-1718</b> [1] - 2:4 <b>44</b> [1] - 148:2 <b>4th</b> [3] - 28:3, 101:12, 101:16	<b>A</b>		
		<b>ability</b> [2] - 6:11, 7:21 <b>able</b> [3] - 6:18, 13:6, 93:9 <b>abnormal</b> [1] - 27:23 <b>absent</b> [1] - 116:15 <b>absolutely</b> [3] - 50:17, 52:22, 91:8 <b>accept</b> [2] - 58:13, 58:15 <b>acceptable</b> [1] - 136:22 <b>accident</b> [1] - 32:7 <b>accord</b> [3] - 19:18, 19:21, 19:23 <b>according</b> [2] -		

JACK W. HUNT & ASSOCIATES, INC.

JACK W. HUNT &amp; ASSOCIATES, INC.

1120 Liberty Building

Buffalo, New York 14202 - (716) 853-5600

<p>44:12, 51:16, 134:9, 148:4</p> <p><b>assumption</b> [5] - 59:7, 59:8, 70:1, 97:23, 122:2</p> <p><b>attached</b> [2] - 146:14, 146:14</p> <p><b>attempt</b> [1] - 128:17</p> <p><b>attempted</b> [1] - 40:4</p> <p><b>attempting</b> [1] - 41:21</p> <p><b>attend</b> [1] - 145:6</p> <p><b>attention</b> [2] - 76:8, 137:9</p> <p><b>attorney</b> [2] - 48:4, 136:9</p> <p><b>Attorney</b> [1] - 2:17</p> <p><b>August</b> [9] - 11:19, 28:3, 101:12, 101:16, 114:7, 114:8, 135:22, 136:12, 146:10</p> <p><b>auto</b> [1] - 46:19</p> <p><b>automatically</b> [2] - 89:19, 140:23</p> <p><b>available</b> [2] - 124:6, 141:5</p> <p><b>Avenue</b> [1] - 2:3</p> <p><b>avoid</b> [11] - 3:19, 20:3, 62:3, 62:21, 75:4, 81:17, 82:11, 84:7, 123:20, 124:2, 134:16</p> <p><b>aware</b> [8] - 27:13, 27:18, 63:2, 71:20, 115:17, 123:13, 123:18, 124:19</p> <p><b>awareness</b> [1] - 34:13</p> <p><b>AZAR</b> [105] - 2:6, 18:14, 18:22, 19:4, 20:17, 20:22, 21:9, 22:6, 22:11, 27:21, 28:10, 29:3, 29:13, 29:18, 31:7, 32:20, 33:3, 33:9, 34:21, 36:5, 36:12, 37:1, 37:9, 37:20, 39:3, 39:22, 40:23, 42:2, 42:17, 42:23, 43:15, 43:21, 46:1, 47:9, 47:16, 48:1, 49:18, 53:8, 54:6, 54:17, 54:20, 55:21, 58:15, 58:21, 59:3, 59:6, 60:1, 60:12, 60:19, 62:7, 63:7, 63:14, 64:6, 64:15, 64:19, 65:11, 65:15, 65:23, 66:4, 66:15, 67:1, 68:3, 68:19, 69:16,</p>	<p>70:7, 70:14, 70:23, 74:7, 74:17, 74:23, 75:8, 76:13, 77:1, 77:8, 77:10, 77:19, 79:4, 81:21, 82:3, 82:20, 84:13, 84:20, 85:19, 86:11, 88:4, 88:20, 89:16, 91:17, 92:22, 95:12, 105:2, 115:1, 115:6, 117:21, 125:16, 125:20, 128:9, 133:13, 134:6, 134:19, 139:23, 142:4, 142:15, 142:21, 147:4</p> <p><b>Azar</b> [43] - 4:6, 4:8, 12:22, 13:15, 25:3, 43:5, 43:11, 43:17, 44:2, 44:14, 44:18, 47:4, 55:17, 55:18, 60:16, 63:22, 66:20, 69:13, 69:18, 70:4, 70:19, 76:8, 76:20, 78:23, 84:18, 86:10, 86:17, 86:20, 100:2, 114:5, 114:17, 115:8, 133:6, 133:12, 133:23, 134:4, 135:6, 136:10, 137:4, 137:15, 137:20, 148:6, 148:10</p> <p><b>Azar's</b> [1] - 40:20</p>	<p><b>behalf</b> [2] - 1:7, 26:5</p> <p><b>behind</b> [2] - 108:7, 127:16</p> <p><b>belief</b> [1] - 112:5</p> <p><b>benefit</b> [1] - 37:6</p> <p><b>best</b> [7] - 31:11, 56:2, 67:15, 78:11, 85:10, 98:11, 134:13</p> <p><b>bet</b> [1] - 15:18</p> <p><b>better</b> [10] - 21:23, 38:2, 48:13, 62:15, 62:16, 64:8, 66:6, 80:4, 108:10, 134:11</p> <p><b>between</b> [5] - 6:10, 26:9, 31:2</p> <p><b>beyond</b> [2] - 114:1, 128:4</p> <p><b>big</b> [2] - 8:2, 31:20</p> <p><b>bit</b> [2] - 86:4, 129:4</p> <p><b>black</b> [1] - 126:9</p> <p><b>blank</b> [2] - 97:14, 97:15</p> <p><b>blow</b> [1] - 80:2</p> <p><b>blowing</b> [1] - 4:22</p> <p><b>blowtorch</b> [1] - 51:11</p> <p><b>Bob</b> [15] - 2:18, 2:21, 24:19, 24:20, 24:21, 24:22, 25:4, 25:6, 112:20, 112:21, 113:2, 113:3, 113:4, 113:10, 133:22</p> <p><b>Bob's</b> [1] - 25:18</p> <p><b>bobkeach@keachlawfirm.com</b> [1] - 2:4</p> <p><b>body</b> [5] - 18:20, 21:7, 21:8, 22:3, 47:7</p> <p><b>bother</b> [1] - 76:20</p> <p><b>bottom</b> [9] - 24:10, 24:15, 24:17, 25:17, 38:10, 41:15, 51:8, 95:18, 118:15</p> <p><b>bought</b> [2] - 33:23, 133:23</p> <p><b>brake</b> [1] - 15:10</p> <p><b>brakes</b> [1] - 105:17</p> <p><b>break</b> [12] - 4:15, 5:2, 5:5, 5:7, 5:9, 29:21, 62:18, 86:3, 86:7, 86:17, 86:21, 130:21</p> <p><b>briefly</b> [5] - 40:18, 79:15, 86:7, 93:3, 136:12</p> <p><b>bring</b> [7] - 14:1, 19:17, 19:20, 80:5, 97:21, 137:8, 139:12</p> <p><b>brings</b> [6] - 4:13, 8:5, 16:12, 43:4, 60:23, 61:9</p> <p><b>Brody</b> [2] - 10:17,</p>	<p>10:19</p> <p><b>broken</b> [3] - 24:7, 26:11, 26:20</p> <p><b>brought</b> [4] - 19:22, 76:7, 94:13, 101:3</p> <p><b>BROWN</b> [4] - 1:1, 1:15, 144:7, 147:3</p> <p><b>Brown</b> [6] - 2:17, 41:11, 115:8, 118:9, 125:21, 146:5</p> <p><b>Brownie's</b> [56] - 45:11, 56:16, 56:21, 57:18, 60:7, 61:11, 62:2, 62:4, 62:8, 62:13, 62:20, 63:11, 64:14, 66:2, 66:7, 66:12, 72:11, 72:19, 73:2, 73:20, 74:12, 75:3, 75:21, 79:8, 79:20, 80:18, 81:4, 81:16, 116:1, 116:2, 118:18, 119:4, 119:5, 119:9, 119:12, 119:16, 120:5, 121:1, 121:7, 122:12, 122:13, 122:23, 123:7, 123:9, 123:15, 123:20, 123:23, 124:6, 124:7, 125:13, 126:12, 126:22, 127:22, 135:1</p> <p><b>bucks</b> [3] - 38:3, 52:6, 113:17</p> <p><b>Buffalo</b> [3] - 1:18, 71:15, 71:22</p> <p><b>Building</b> [1] - 1:18</p> <p><b>built</b> [2] - 100:22, 108:23</p> <p><b>bulletin</b> [3] - 140:16, 140:18, 141:11</p> <p><b>bulletins</b> [3] - 140:13, 141:3, 141:4</p> <p><b>bunch</b> [1] - 120:19</p> <p><b>business</b> [7] - 26:19, 50:14, 52:18, 84:5, 118:19, 118:21, 135:11</p> <p><b>buy</b> [3] - 90:14, 90:23, 99:8</p> <p><b>BY</b> [105] - 2:15, 18:15, 18:23, 19:14, 20:18, 20:23, 21:16, 22:16, 23:9, 28:5, 28:12, 29:5, 29:14, 30:1, 31:15, 32:21, 33:4, 33:11, 35:3, 36:8, 36:14, 37:3, 37:10, 37:22, 39:9, 40:1, 41:2, 41:12, 42:3, 42:19, 43:3,</p>	<p>43:16, 43:23, 46:4, 47:11, 47:18, 48:8, 50:2, 53:9, 54:13, 54:21, 56:4, 59:17, 60:2, 60:14, 61:5, 62:14, 63:8, 63:17, 64:7, 64:16, 65:2, 65:12, 65:19, 66:1, 66:5, 66:19, 67:7, 68:5, 69:3, 69:17, 70:9, 70:16, 71:6, 74:9, 74:19, 75:2, 75:10, 76:14, 77:3, 78:2, 79:6, 81:23, 82:5, 82:21, 84:15, 84:23, 85:23, 86:23, 87:9, 88:5, 88:21, 90:3, 91:20, 93:1, 93:7, 95:13, 99:21, 103:13, 105:3, 111:20, 115:6, 117:21, 125:20, 128:11, 133:17, 134:15, 134:20, 136:1, 138:20, 140:1, 147:3, 147:4, 147:5, 148:3</p>
<b>C</b>				
<p><b>California</b> [1] - 136:21</p> <p><b>Calvert</b> [1] - 11:3</p> <p><b>Cambria</b> [1] - 2:12</p> <p><b>cannot</b> [3] - 3:10, 57:20, 74:2</p> <p><b>cap</b> [5] - 88:16, 97:6, 98:7, 98:8, 99:9</p> <p><b>capable</b> [1] - 58:19</p> <p><b>car</b> [42] - 9:12, 14:1, 17:19, 29:8, 31:22, 34:6, 34:8, 39:1, 39:14, 50:16, 53:5, 61:1, 82:23, 85:5, 89:6, 89:18, 90:1, 90:6, 91:7, 91:14, 92:20, 94:10, 95:2, 97:21, 103:1, 104:19, 105:10, 107:8, 107:11, 107:13, 107:21, 111:8, 112:12, 132:14, 138:15, 139:8, 139:17, 139:21, 140:7, 140:21, 141:1, 141:8</p> <p><b>Caravan</b> [7] - 29:8, 33:20, 56:20, 72:13, 73:3, 79:10, 140:9</p> <p><b>care</b> [15] - 4:23, 40:14, 55:9, 55:23,</p>				

JACK W. HUNT &amp; ASSOCIATES, INC.

1120 Liberty Building

Buffalo, New York 14202 - (716) 853-5600

<p>70:2, 71:5, 77:23, 111:6, 111:7, 116:18, 130:8, 132:12, 139:4, 139:17, 139:21 <b>careful</b> [1] - 132:3 <b>cares</b> [1] - 77:13 <b>cars</b> [20] - 3:2, 16:16, 27:23, 28:7, 28:8, 28:13, 28:15, 28:17, 30:3, 30:16, 31:14, 32:15, 46:17, 46:20, 46:23, 133:23, 139:5, 139:12, 140:15 <b>Case</b> [1] - 1:10 <b>case</b> [13] - 7:17, 7:22, 9:5, 10:7, 11:10, 13:5, 42:13, 50:6, 89:12, 103:16, 127:3, 129:17, 136:9 <b>center</b> [1] - 40:14 <b>certain</b> [6] - 29:10, 51:9, 63:16, 83:12, 105:11, 105:12 <b>certainly</b> [1] - 86:12 <b>CERTIFY</b> [2] - 144:1, 145:5 <b>change</b> [9] - 17:23, 19:3, 33:1, 34:15, 34:19, 35:12, 92:6, 97:4, 132:14 <b>changed</b> [5] - 53:6, 53:21, 64:5, 64:22, 89:22 <b>changing</b> [1] - 25:10 <b>charge</b> [5] - 90:19, 91:9, 96:6, 126:12, 127:20 <b>check</b> [1] - 19:16 <b>Cheektavegas</b> [1] - 102:18 <b>Cheektowaga</b> [2] - 102:16, 102:17 <b>choice</b> [2] - 44:18, 148:10 <b>Chrysler</b> [19] - 3:1, 3:2, 9:8, 28:15, 29:9, 33:13, 33:18, 34:14, 36:21, 37:5, 37:15, 39:5, 40:6, 57:10, 59:22, 136:15, 137:1, 141:16, 141:20 <b>Chrysler's</b> [2] - 18:5, 54:15 <b>chuck</b> [1] - 65:8 <b>cigarette</b> [1] - 4:22 <b>circle</b> [2] - 53:1, 138:1 <b>circulated</b> [1] - 136:9 <b>city</b> [1] - 102:17 <b>civil</b> [3] - 71:10,</p>	<p>84:19 <b>Civil</b> [1] - 142:7 <b>claimed</b> [1] - 60:3 <b>claiming</b> [2] - 41:22, 42:10 <b>claims</b> [1] - 115:18 <b>Clara</b> [1] - 136:21 <b>clarify</b> [1] - 121:15 <b>clarifying</b> [1] - 92:13 <b>class</b> [3] - 2:20, 42:13, 133:22 <b>clear</b> [6] - 15:9, 47:3, 50:8, 53:23, 59:10, 70:2 <b>cleared</b> [1] - 55:8 <b>client</b> [1] - 59:12 <b>clients</b> [1] - 2:21 <b>close</b> [1] - 129:10 <b>co</b> [2] - 41:22, 76:22 <b>co-counsel</b> [2] - 41:22, 76:22 <b>COBURN</b> [1] - 2:6 <b>colleague</b> [4] - 18:4, 99:14, 114:22, 136:7 <b>colleagues</b> [2] - 137:5, 137:20 <b>colleagues'</b> [1] - 76:8 <b>coming</b> [4] - 27:14, 30:12, 101:7, 113:22 <b>commencing</b> [1] - 1:19 <b>commentary</b> [2] - 77:13, 77:15 <b>comments</b> [1] - 77:22 <b>common</b> [2] - 4:18, 106:7 <b>communicated</b> [2] - 44:8, 119:15 <b>communication</b> [5] - 25:6, 25:12, 44:3, 114:5, 114:14 <b>company</b> [4] - 3:2, 28:18, 66:23, 102:1 <b>compared</b> [2] - 71:9, 71:14 <b>complain</b> [1] - 37:23 <b>complained</b> [2] - 38:23, 40:14 <b>complete</b> [1] - 25:3 <b>completed</b> [3] - 45:14, 94:23, 96:23 <b>completion</b> [1] - 85:13 <b>component</b> [38] - 45:12, 56:22, 57:19, 60:9, 61:12, 62:3, 62:5, 62:22, 63:12, 64:3, 64:18, 66:3,</p>	<p>66:13, 67:16, 73:22, 74:13, 75:5, 75:22, 78:12, 79:22, 80:19, 81:18, 82:12, 82:16, 84:8, 85:3, 85:5, 85:11, 117:13, 117:17, 118:2, 122:1, 122:5, 122:7, 122:14, 123:2, 124:3, 128:4 <b>components</b> [8] - 67:11, 78:6, 123:21, 124:20, 125:1, 125:2, 125:8, 128:4 <b>composition</b> [1] - 34:16 <b>compound</b> [2] - 62:17 <b>computer</b> [3] - 100:21, 105:16, 135:15 <b>concluded</b> [1] - 143:9 <b>concludes</b> [2] - 142:5, 143:8 <b>condition</b> [4] - 34:3, 101:19, 112:1, 117:16 <b>conditioning</b> [2] - 141:9, 141:13 <b>conduct</b> [1] - 59:2 <b>confirm</b> [11] - 4:2, 7:12, 23:19, 57:20, 60:6, 86:8, 86:9, 122:9, 122:18, 137:3, 138:8 <b>confused</b> [2] - 68:21, 94:16 <b>conjunction</b> [1] - 114:9 <b>consulting</b> [1] - 22:7 <b>consumer</b> [1] - 42:13 <b>contact</b> [3] - 40:4, 40:9, 70:10 <b>continued</b> [1] - 98:10 <b>continuity</b> [1] - 23:11 <b>contrary</b> [1] - 116:15 <b>control</b> [1] - 33:8 <b>conversation</b> [2] - 3:8, 6:15 <b>conversations</b> [2] - 25:4, 26:8 <b>Copies</b> [1] - 146:14 <b>copies</b> [3] - 8:21, 13:9, 23:16 <b>copy</b> [6] - 13:13, 44:10, 48:4, 54:16, 99:16, 118:6 <b>corner</b> [1] - 36:2 <b>corporate</b> [1] - 3:1 <b>Corporation</b> [5] - 3:1, 34:14, 36:21,</p>	<p>37:15, 59:23 <b>correct</b> [133] - 4:3, 4:4, 8:13, 12:3, 14:23, 16:7, 16:10, 24:2, 24:7, 26:2, 26:12, 26:13, 35:11, 45:16, 55:4, 55:20, 57:4, 60:10, 60:11, 61:7, 61:8, 61:19, 61:23, 63:1, 63:5, 63:6, 63:20, 63:21, 65:9, 65:10, 66:18, 67:19, 67:20, 68:4, 68:11, 68:15, 69:14, 69:20, 69:22, 69:23, 70:6, 70:8, 73:5, 73:9, 73:18, 74:1, 74:3, 74:6, 74:8, 74:22, 75:1, 75:7, 75:13, 75:18, 76:1, 76:2, 78:7, 78:8, 78:21, 79:11, 79:12, 79:23, 80:1, 80:7, 80:14, 81:6, 82:23, 83:7, 83:22, 85:14, 87:11, 87:21, 88:22, 90:8, 90:9, 90:16, 90:17, 91:16, 91:23, 92:17, 92:21, 96:19, 100:3, 100:4, 100:11, 100:18, 101:9, 101:10, 101:14, 101:17, 101:21, 101:22, 104:1, 104:2, 104:8, 104:10, 104:13, 104:19, 104:20, 104:23, 105:1, 105:8, 110:3, 110:4, 110:17, 112:8, 112:16, 112:17, 114:18, 114:19, 121:20, 123:12, 124:5, 124:13, 125:17, 126:11, 127:6, 131:14, 133:4, 137:6, 137:7, 137:9, 137:10, 137:12, 137:13, 137:17, 137:18, 137:22, 137:23, 138:13, 139:5, 141:17 <b>correction</b> [1] - 143:3 <b>corroded</b> [8] - 84:2, 111:12, 112:6, 115:19, 117:2, 128:14, 128:21, 129:12 <b>corrosion</b> [7] - 27:6, 27:7, 30:7, 30:8, 36:16, 40:3, 126:23</p>	<p><b>corrosive</b> [1] - 30:19 <b>cost</b> [8] - 37:6, 37:7, 37:16, 38:8, 52:5, 90:11, 127:15, 127:16 <b>cost-benefit</b> [1] - 37:6 <b>costs</b> [2] - 126:18, 127:10 <b>counsel</b> [22] - 4:3, 6:10, 10:1, 21:6, 41:22, 43:2, 43:18, 47:8, 47:14, 47:22, 48:15, 64:4, 70:5, 71:14, 71:22, 76:4, 76:5, 76:22, 77:5, 77:6, 77:10, 137:15 <b>country</b> [3] - 30:20, 118:4, 140:10 <b>Country</b> [3] - 33:19, 33:22, 34:1 <b>Countrys</b> [1] - 29:9 <b>COUNTY</b> [1] - 145:3 <b>couple</b> [4] - 39:4, 39:6, 39:17, 49:21 <b>course</b> [4] - 94:19, 118:19, 118:21, 135:11 <b>Court</b> [3] - 11:9, 18:7, 42:8 <b>COURT</b> [1] - 1:4 <b>court</b> [10] - 3:10, 3:22, 5:18, 7:9, 7:10, 7:15, 7:16, 64:2, 68:18, 142:16 <b>courtesy</b> [1] - 3:19 <b>crack</b> [2] - 52:20, 130:2 <b>cracked</b> [1] - 127:1 <b>crap</b> [1] - 139:9 <b>creat</b> [1] - 32:22 <b>create</b> [1] - 32:18 <b>cross</b> [1] - 42:7 <b>cross-moving</b> [1] - 42:7 <b>CRR</b> [2] - 1:20, 145:19 <b>CSR</b> [2] - 1:19, 145:19 <b>curb</b> [1] - 36:1 <b>curious</b> [1] - 15:23 <b>custody</b> [2] - 47:7, 47:21 <b>customer</b> [19] - 19:7, 20:21, 25:7, 25:13, 40:14, 42:11, 45:12, 45:13, 51:3, 52:15, 53:14, 75:17, 90:19, 91:9, 100:23, 101:1, 119:10, 120:6, 130:15 <b>customer's</b> [2] -</p>
---	---	--	--	---

**JACK W. HUNT & ASSOCIATES, INC.**

1120 Liberty Building

Buffalo, New York 14202 - (716) 853-5600

<p>45:15, 52:2  <b>customers</b> [7] -  16:22, 29:16, 37:18,  37:23, 40:13, 50:1,  139:2  <b>cutoff</b> [1] - 71:9</p>	<p>2:9  <b>defense</b> [1] - 136:8  <b>definitely</b> [4] - 5:23,  44:19, 68:13, 148:11  <b>delete</b> [2] - 44:20,  148:12  <b>delivered</b> [1] - 8:4  <b>demonstrate</b> [1] -  74:5  <b>demonstrating</b> [1] -  42:14  <b>dent</b> [1] - 131:17  <b>deponent</b> [1] -  145:13  <b>deposed</b> [2] - 7:4,  7:8  <b>deposing</b> [1] - 86:2  <b>deposition</b> [12] - 3:4,  5:22, 23:13, 23:16,  55:7, 58:17, 59:2,  136:4, 136:13, 145:7,  145:9, 145:11  <b>Deposition</b> [1] -  143:9  <b>deposition's</b> [1] -  72:4  <b>describe</b> [3] -  139:20, 140:2, 141:7  <b>describing</b> [1] -  141:1  <b>description</b> [2] -  45:15, 95:6  <b>Description</b> [1] -  146:2  <b>designate</b> [1] -  136:19  <b>desk</b> [2] - 80:13,  120:15  <b>destroy</b> [1] - 42:12  <b>destroyed</b> [3] - 18:8,  60:4  <b>destruction</b> [1] -  41:23  <b>detail</b> [1] - 52:3  <b>detailed</b> [1] - 47:23  <b>detailing</b> [1] - 42:6  <b>deteriorate</b> [1] - 35:1  <b>deteriorated</b> [1] -  83:10  <b>deteriorates</b> [1] -  27:10  <b>determine</b> [2] - 30:3,  129:23  <b>diagnose</b> [1] -  141:10  <b>diagnostics</b> [1] -  105:17  <b>dialogue</b> [1] - 6:10  <b>difference</b> [6] -  54:10, 84:17, 95:22,</p>	<p>96:4, 131:23, 132:5  <b>different</b> [15] - 12:16,  38:19, 54:3, 69:4,  73:14, 82:7, 82:13,  84:10, 84:21, 95:7,  95:14, 95:17, 96:10,  139:2  <b>differently</b> [1] -  89:23  <b>difficult</b> [3] - 106:17,  108:15, 117:9  <b>direction</b> [1] - 145:11  <b>directly</b> [1] - 140:14  <b>discarded</b> [2] -  67:17, 78:13  <b>discovery</b> [1] - 71:9  <b>discussing</b> [1] -  115:12  <b>discussion</b> [1] -  43:20  <b>Discussion</b> [2] -  111:19, 115:4  <b>disposal</b> [1] - 87:20  <b>dispose</b> [8] - 62:5,  62:13, 63:11, 64:17,  66:3, 66:7, 66:13,  75:21  <b>disposed</b> [2] - 91:15,  138:11  <b>dissatisfaction</b> [1] -  39:7  <b>dissatisfied</b> [1] -  39:11  <b>distinction</b> [1] -  84:17  <b>DISTRICT</b> [2] - 1:4,  1:5  <b>DO</b> [1] - 145:5  <b>document</b> [6] - 5:8,  5:15, 5:17, 41:21,  87:2  <b>DOCUMENT</b> [1] -  148:1  <b>documentation</b> [1] -  100:3  <b>documents</b> [8] -  5:14, 21:22, 22:7,  22:12, 49:15, 69:7,  93:13, 101:3  <b>Dodge</b> [9] - 3:2,  28:15, 29:8, 33:17,  40:5, 56:19, 72:13,  73:3, 79:10  <b>dollars</b> [1] - 37:16  <b>done</b> [12] - 5:4, 5:6,  25:14, 42:4, 42:22,  51:2, 70:1, 104:3,  112:16, 112:18,  112:20, 114:23  <b>down</b> [15] - 3:11,</p>	<p>13:12, 17:22, 24:10,  31:3, 32:16, 32:17,  38:10, 38:15, 62:18,  110:2, 110:8, 120:16,  121:8, 145:8  <b>drive</b> [3] - 103:1,  131:2, 139:8  <b>driver</b> [1] - 32:18  <b>driving</b> [4] - 17:22,  27:19, 32:12, 36:1  <b>due</b> [1] - 94:19  <b>duly</b> [2] - 2:13,  145:13  <b>during</b> [5] - 23:15,  59:2, 86:17, 135:7,  136:4  <b>duty</b> [1] - 61:3</p>	<p><b>entitled</b> [2] - 144:4,  145:12  <b>equipped</b> [1] - 89:9  <b>Eric</b> [1] - 136:18  <b>Erie</b> [1] - 17:23  <b>ERIE</b> [1] - 145:3  <b>ESQ</b> [2] - 2:2, 2:6  <b>essentially</b> [2] -  55:15, 115:13  <b>established</b> [3] -  45:19, 58:4, 65:5  <b>estimated</b> [1] -  136:22  <b>estimates</b> [1] - 51:19  <b>events</b> [3] - 7:22,  60:18, 119:5  <b>eventually</b> [1] -  130:17  <b>evidence</b> [10] -  42:12, 46:2, 60:4,  61:12, 64:20, 67:2,  74:13, 80:19, 124:20,  127:23  <b>evident</b> [3] - 111:21,  131:12, 133:19  <b>exact</b> [4] - 33:15,  65:16, 76:17, 78:20  <b>exactly</b> [5] - 13:15,  25:11, 69:5, 107:9,  126:16  <b>Examination</b> [2] -  1:15, 147:2  <b>EXAMINATION</b> [3] -  2:15, 115:6, 128:11  <b>examination</b> [5] -  22:9, 22:15, 142:6,  143:8, 145:13  <b>examiner</b> [1] - 6:6  <b>example</b> [2] -  105:14, 121:6  <b>exclude</b> [1] - 95:10  <b>excuse</b> [6] - 33:13,  34:15, 37:5, 46:18,  91:21, 103:15  <b>exercise</b> [1] - 111:7  <b>EXH</b> [12] - 23:7,  41:10, 87:7, 93:5,  99:20, 135:22, 146:3,  146:5, 146:6, 146:8,  146:9, 146:11  <b>Exhibit</b> [28] - 23:12,  26:4, 38:7, 41:8,  41:10, 41:14, 41:15,  41:19, 41:20, 45:6,  72:9, 79:17, 87:5,  91:12, 93:3, 94:1,  96:18, 105:20,  112:14, 118:8, 121:6,  125:17, 126:18,  129:17, 135:8,</p>
--	---	---	---	--

JACK W. HUNT &amp; ASSOCIATES, INC.

1120 Liberty Building

Buffalo, New York 14202 - (716) 853-5600



135:19, 146:2, 146:4 <b>EXHIBITS</b> [1] - 146:1 <b>exhibits</b> [3] - 5:22, 146:14, 146:14 <b>existing</b> [1] - 92:1 <b>expect</b> [1] - 105:9 <b>experience</b> [2] - 98:3, 117:9 <b>experienced</b> [1] - 110:20 <b>expert</b> [7] - 47:15, 136:18, 136:20, 136:23, 137:1, 137:16, 137:21 <b>explain</b> [3] - 54:14, 68:17, 98:14 <b>Ext</b> [1] - 2:3 <b>extra</b> [2] - 130:14, 132:3 <b>eye</b> [1] - 140:21	<b>faulty</b> [1] - 15:22 <b>faxed</b> [2] - 9:1, 11:13 <b>FCA</b> [32] - 1:11, 2:23, 8:12, 10:1, 11:6, 26:5, 28:7, 29:2, 30:4, 31:5, 33:14, 34:15, 35:5, 35:6, 37:5, 40:5, 40:10, 40:14, 41:21, 42:16, 42:21, 47:12, 53:10, 76:4, 77:5, 115:9, 118:11, 118:12, 132:11, 132:13, 134:1, 134:5 <b>February</b> [17] - 56:16, 58:6, 64:13, 66:10, 66:22, 67:9, 67:17, 72:15, 72:18, 90:6, 91:13, 104:1, 104:13, 125:16, 125:19, 125:23, 138:6 <b>fed</b> [1] - 141:6 <b>federal</b> [4] - 7:16, 64:1, 68:18, 84:19 <b>Federal</b> [1] - 142:7 <b>fellow</b> [1] - 64:4 <b>few</b> [5] - 35:13, 35:15, 88:23, 130:14, 139:8 <b>figure</b> [3] - 83:14, 88:9, 131:7 <b>filed</b> [4] - 2:20, 41:21, 42:10, 123:10 <b>fill</b> [6] - 47:5, 53:6, 55:18, 77:15, 106:5, 107:7 <b>filled</b> [11] - 40:19, 45:22, 47:22, 64:10, 67:21, 69:10, 70:12, 71:13, 76:9, 85:16, 133:11 <b>filling</b> [7] - 25:2, 43:6, 53:18, 54:4, 68:18, 133:6, 134:3 <b>finally</b> [2] - 6:6, 85:8 <b>fine</b> [2] - 86:5, 86:16 <b>finish</b> [1] - 3:17 <b>fire</b> [1] - 51:10 <b>firing</b> [1] - 42:5 <b>firm</b> [1] - 134:11 <b>first</b> [23] - 7:6, 8:10, 9:23, 11:14, 17:20, 21:20, 22:2, 22:19, 23:11, 27:13, 28:2, 28:3, 31:17, 43:2, 73:1, 75:6, 96:14, 96:15, 101:13, 118:14, 128:17, 132:21, 138:4 <b>five</b> [6] - 31:22, 34:11, 86:8, 94:7,	99:20, 146:9 <b>fix</b> [1] - 82:23 <b>fixed</b> [1] - 39:14 <b>flat</b> [2] - 87:20, 131:17 <b>flip</b> [2] - 5:3, 6:21 <b>floor</b> [1] - 130:10 <b>Florida</b> [1] - 11:3 <b>folded</b> [1] - 127:14 <b>follow</b> [4] - 44:21, 121:7, 142:3, 148:13 <b>follow-up</b> [1] - 142:3 <b>following</b> [7] - 23:6, 41:9, 87:6, 93:4, 99:19, 115:10, 135:21 <b>follows</b> [1] - 2:13 <b>force</b> [1] - 117:15 <b>forced</b> [1] - 115:13 <b>foregoing</b> [3] - 144:2, 145:7, 145:12 <b>foreign</b> [1] - 28:17 <b>forensics</b> [1] - 127:23 <b>form</b> [95] - 4:8, 11:23, 18:14, 18:22, 19:4, 20:17, 20:22, 21:9, 22:10, 22:11, 22:15, 27:21, 28:10, 29:3, 29:13, 29:18, 31:7, 32:20, 33:3, 33:9, 34:21, 36:5, 36:12, 37:1, 37:9, 37:20, 39:3, 39:22, 40:23, 42:2, 42:17, 42:23, 43:15, 43:21, 46:1, 46:3, 47:9, 47:16, 48:1, 49:18, 53:8, 54:6, 54:17, 55:21, 56:6, 58:15, 58:18, 59:11, 60:1, 60:12, 60:19, 62:7, 63:7, 63:14, 64:6, 64:19, 65:11, 65:15, 66:4, 67:1, 68:3, 68:19, 69:16, 70:7, 70:14, 70:23, 74:7, 74:17, 74:23, 75:8, 76:13, 77:1, 77:8, 77:12, 77:23, 78:1, 79:4, 81:21, 82:3, 82:20, 84:13, 84:20, 85:19, 88:4, 88:20, 89:16, 91:17, 92:22, 105:2, 117:18, 120:10, 133:13, 134:6, 134:19, 139:23 <b>forth</b> [1] - 118:17 <b>forward</b> [4] - 74:10, 75:19, 78:3, 113:17 <b>forwarded</b> [1] -	136:7 <b>four</b> [10] - 17:18, 18:19, 34:2, 54:11, 91:6, 92:20, 96:9, 100:10, 112:15, 138:3 <b>fourth</b> [1] - 17:20 <b>Fox</b> [1] - 102:13 <b>free</b> [2] - 87:20, 91:7 <b>frequently</b> [1] - 30:16 <b>Fridays</b> [1] - 103:2 <b>front</b> [22] - 5:13, 5:15, 5:17, 7:9, 7:14, 18:11, 23:18, 25:20, 41:16, 45:5, 45:7, 56:17, 58:6, 72:23, 73:9, 81:14, 87:12, 93:14, 96:18, 108:6, 108:9, 120:14 <b>fully</b> [1] - 58:19 <b>fun</b> [1] - 113:14 <b>FURTHER</b> [1] - 128:11 <b>future</b> [1] - 51:10	109:10, 109:22, 110:2, 110:7 <b>guarantee</b> [1] - 71:2 <b>guaranteed</b> [2] - 55:13, 55:23 <b>guess</b> [10] - 12:3, 30:17, 31:11, 53:16, 56:2, 57:20, 95:23, 98:11, 134:10, 135:12 <b>Guthrie</b> [7] - 102:1, 102:15, 102:20, 103:15, 104:4, 112:16, 135:16 <b>guy</b> [7] - 8:5, 10:23, 25:8, 25:19, 25:23, 41:4, 105:5 <b>guys</b> [12] - 20:19, 26:15, 73:17, 83:16, 85:5, 107:15, 112:2, 113:10, 114:2, 132:2, 132:11
<b>F</b>			<b>G</b>	<b>H</b>
<b>fact</b> [13] - 32:22, 36:21, 58:14, 64:3, 64:11, 66:21, 79:1, 81:8, 85:18, 89:13, 123:5, 123:13, 124:10 <b>facts</b> [5] - 46:2, 64:20, 67:2, 118:17, 138:10 <b>fail</b> [6] - 31:21, 32:16, 35:17, 35:20, 36:7, 39:1 <b>failed</b> [6] - 17:21, 30:15, 32:11, 59:23, 136:15, 136:23 <b>failing</b> [4] - 29:17, 30:12, 36:11, 36:16 <b>failure</b> [3] - 13:21, 28:20, 136:16 <b>fair</b> [31] - 5:10, 7:1, 16:13, 20:15, 21:1, 21:2, 33:5, 34:16, 45:23, 50:12, 52:21, 60:18, 70:13, 79:3, 82:17, 84:12, 91:5, 91:11, 92:18, 100:9, 109:12, 112:2, 112:3, 115:23, 116:5, 117:15, 122:15, 125:21, 126:6, 129:2, 131:10 <b>fairly</b> [1] - 93:9 <b>fall</b> [2] - 27:1, 27:4 <b>false</b> [5] - 66:14, 66:18, 78:18, 78:20, 128:6 <b>far</b> [5] - 12:4, 124:1, 125:12			<b>garage</b> [2] - 105:5, 106:4 <b>garbage</b> [2] - 68:11, 85:22 <b>Gary</b> [7] - 10:15, 10:19, 10:23, 18:4, 41:4, 136:7, 137:2 <b>generally</b> [2] - 4:7, 121:2 <b>gentleman</b> [1] - 26:10 <b>genuine</b> [1] - 122:19 <b>given</b> [10] - 16:20, 18:3, 19:18, 36:17, 47:13, 51:3, 51:7, 76:10, 118:12, 144:3 <b>glance</b> [1] - 48:5 <b>glasses</b> [1] - 80:5 <b>God</b> [1] - 38:23 <b>gold</b> [1] - 132:2 <b>Graifman</b> [6] - 10:15, 10:19, 18:4, 41:4, 136:7, 137:2 <b>grail</b> [1] - 85:4 <b>Grand</b> [2] - 56:20, 140:9 <b>gratuitously</b> [1] - 50:15 <b>great</b> [2] - 129:9, 139:17 <b>grooved</b> [1] - 109:13 <b>grooves</b> [8] - 108:19, 109:3, 109:6, 109:7,	<b>hac</b> [1] - 2:7 <b>half</b> [1] - 51:21 <b>hammer</b> [13] - 26:21, 50:21, 52:20, 111:12, 115:14, 116:4, 116:11, 117:15, 128:16, 131:20, 131:23, 132:4, 133:2 <b>hammering</b> [3] - 51:1, 130:11, 131:1 <b>hand</b> [1] - 95:20 <b>handle</b> [3] - 13:7, 16:22, 22:14 <b>handling</b> [5] - 62:4, 62:22, 75:5, 81:18, 84:8 <b>hard</b> [2] - 131:16 <b>harder</b> [1] - 4:1 <b>harm</b> [1] - 53:16 <b>head</b> [2] - 3:9, 3:13 <b>hear</b> [1] - 4:5 <b>heard</b> [1] - 141:15 <b>hearing</b> [1] - 43:13 <b>heat</b> [2] - 129:4, 129:8 <b>heated</b> [1] - 18:11 <b>help</b> [2] - 16:4, 21:21 <b>helps</b> [2] - 25:20, 129:5 <b>hereby</b> [1] - 144:1 <b>HEREBY</b> [1] - 145:5 <b>herein</b> [1] - 118:17 <b>higher</b> [1] - 28:20 <b>highway</b> [1] - 32:12 <b>himself</b> [3] - 119:19, 123:14, 123:19

JACK W. HUNT &amp; ASSOCIATES, INC.

1120 Liberty Building

Buffalo, New York 14202 - (716) 853-5600

<b>hiring</b> [1] - 137:21 <b>history</b> [1] - 100:23 <b>hits</b> [1] - 36:1 <b>hold</b> [1] - 98:23 <b>holds</b> [3] - 83:19, 99:11, 108:5 <b>hole</b> [1] - 131:3 <b>holy</b> [1] - 85:4 <b>honest</b> [4] - 3:14, 8:15, 48:2, 70:18 <b>hook</b> [2] - 4:15, 5:1 <b>hooking</b> [1] - 110:13 <b>hopefully</b> [2] - 44:23, 148:15 <b>hoping</b> [2] - 55:7, 55:8 <b>hour</b> [5] - 17:22, 33:2, 51:21, 86:2, 86:3 <b>hours</b> [1] - 4:20 <b>Howard</b> [6] - 102:1, 102:5, 102:6, 104:4, 135:16 <b>Howie</b> [2] - 102:4, 103:14 <b>Howie's</b> [1] - 102:7 <b>HROMOWYK</b> [13] - 1:7, 23:7, 41:10, 87:7, 93:5, 99:20, 135:22, 146:3, 146:4, 146:6, 146:7, 146:9, 146:10 <b>Hromowyk</b> [95] - 2:21, 16:6, 16:7, 16:10, 16:12, 16:19, 17:18, 18:8, 18:18, 20:13, 21:4, 22:2, 23:12, 23:23, 25:5, 26:10, 27:13, 29:7, 33:16, 38:8, 42:11, 45:20, 47:20, 49:10, 49:17, 49:21, 52:19, 53:3, 56:20, 57:3, 57:8, 57:17, 58:10, 58:13, 59:14, 60:7, 60:21, 61:11, 64:2, 64:11, 65:6, 65:13, 66:9, 66:12, 66:16, 66:21, 67:23, 68:12, 69:19, 72:13, 73:20, 74:12, 76:10, 76:16, 76:21, 78:16, 78:19, 79:1, 79:20, 80:13, 80:18, 81:4, 81:11, 83:3, 85:3, 85:12, 85:17, 97:21, 100:20, 101:7, 101:14, 103:22, 104:18, 121:10, 121:17, 121:23, 122:5, 122:14, 122:19, 122:23, 123:9, 123:14, 123:18, 124:18, 128:3, 129:18, 130:7, 133:21, 136:3, 136:14, 138:2, 138:8, 138:12, 138:14, 138:21 <b>Hromowyk's</b> [35] - 9:12, 23:15, 36:10, 47:20, 56:18, 56:19, 67:16, 68:10, 71:10, 72:18, 73:3, 76:7, 78:12, 79:10, 85:11, 89:13, 90:4, 91:14, 92:20, 94:10, 95:2, 100:6, 100:7, 100:10, 101:20, 103:18, 104:19, 110:5, 113:6, 115:18, 116:3, 124:3, 125:9, 136:16 <b>hum</b> [1] - 3:8 <b>hundred</b> [6] - 2:22, 31:2, 38:3, 110:9, 133:8, 135:13 <b>HUNT</b> [1] - 1:17 <b>husband</b> [1] - 140:5	<b>INDEX</b> [2] - 146:1, 147:1 <b>indicate</b> [1] - 40:21 <b>indicated</b> [1] - 49:2 <b>indicates</b> [1] - 124:8 <b>indicating</b> [2] - 123:8, 124:15 <b>inform</b> [7] - 56:20, 57:18, 63:4, 73:20, 79:1, 79:20, 122:23 <b>information</b> [21] - 11:13, 48:6, 63:19, 67:15, 70:11, 74:21, 78:11, 81:1, 85:10, 116:1, 116:7, 118:12, 118:19, 119:1, 122:13, 123:8, 124:15, 124:23, 135:9, 135:14, 137:12 <b>informed</b> [3] - 43:19, 63:23, 66:20 <b>informing</b> [1] - 60:7 <b>initial</b> [2] - 51:23, 69:2 <b>inquiry</b> [1] - 30:10 <b>inside</b> [1] - 109:11 <b>inspect</b> [4] - 18:6, 76:22, 136:20, 136:23 <b>inspected</b> [1] - 79:3 <b>inspecting</b> [1] - 77:6 <b>inspection</b> [3] - 87:17, 87:18, 136:14 <b>install</b> [4] - 35:2, 90:17, 107:6, 111:2 <b>installation</b> [1] - 96:5 <b>installed</b> [4] - 117:13, 127:17, 127:20, 135:17 <b>installer</b> [1] - 31:9 <b>installing</b> [1] - 15:19 <b>instance</b> [1] - 91:6 <b>instead</b> [3] - 18:7, 60:3, 99:16 <b>instruction</b> [1] - 116:16 <b>instructions</b> [2] - 120:9, 120:10 <b>intact</b> [1] - 92:20 <b>intelligent</b> [1] - 6:14 <b>interact</b> [1] - 49:23 <b>interacts</b> [1] - 120:6 <b>interesting</b> [1] - 43:4 <b>interfere</b> [2] - 7:20, 7:21 <b>interferes</b> [2] - 3:22, 6:11 <b>interior</b> [2] - 108:12, 110:15 <b>internal</b> [1] - 105:16	<b>invite</b> [1] - 43:5 <b>invited</b> [2] - 64:3, 137:15 <b>invoice</b> [50] - 17:3, 17:14, 22:4, 22:17, 22:18, 23:7, 23:12, 23:22, 38:7, 45:16, 46:7, 46:11, 51:3, 51:13, 58:5, 62:12, 65:1, 67:9, 75:17, 78:4, 79:13, 79:16, 81:4, 81:14, 87:7, 87:10, 87:14, 89:12, 89:19, 90:8, 91:5, 91:12, 92:19, 93:5, 94:17, 94:21, 96:18, 97:2, 97:11, 119:12, 119:18, 121:9, 125:17, 126:9, 127:3, 127:4, 127:11, 146:3, 146:6, 146:7 <b>invoices</b> [11] - 8:21, 27:12, 75:15, 99:15, 99:20, 105:21, 106:5, 121:1, 121:5, 127:13, 146:9 <b>involve</b> [1] - 35:20 <b>involved</b> [6] - 10:7, 32:7, 41:23, 42:12, 126:8, 132:10 <b>involvement</b> [4] - 70:3, 70:20, 100:7, 126:3 <b>involving</b> [3] - 13:10, 19:3, 94:11 <b>iPad</b> [2] - 5:23 <b>issue</b> [6] - 27:6, 27:8, 30:7, 30:9, 32:18, 32:23 <b>issues</b> [5] - 28:17, 32:4, 34:4, 141:12, 141:16 <b>itself</b> [7] - 27:10, 65:1, 92:5, 109:1, 116:20, 121:9, 126:9	52:1, 62:15, 62:16, 64:9, 66:6, 82:23, 108:10 <b>Judge</b> [1] - 18:12 <b>July</b> [1] - 101:8
<b>K</b>			
<b>Keach</b> [4] - 2:18, 22:6, 115:12, 125:16 <b>KEACH</b> [126] - 2:1, 2:2, 2:15, 18:15, 18:23, 19:14, 20:18, 20:23, 21:16, 22:9, 22:14, 22:16, 23:9, 28:5, 28:12, 29:5, 29:14, 30:1, 31:15, 32:21, 33:4, 33:11, 35:3, 36:8, 36:14, 37:3, 37:10, 37:22, 39:9, 40:1, 41:2, 41:12, 42:3, 42:19, 43:3, 43:16, 43:23, 46:3, 46:4, 47:11, 47:18, 48:8, 50:2, 53:9, 54:13, 54:21, 56:4, 58:18, 58:22, 59:4, 59:11, 59:17, 60:2, 60:14, 61:5, 62:14, 63:8, 63:17, 64:7, 64:16, 65:2, 65:12, 65:19, 66:1, 66:5, 66:19, 67:7, 68:5, 69:3, 69:17, 70:9, 70:16, 71:6, 74:9, 74:19, 75:2, 75:10, 76:14, 77:3, 77:12, 77:20, 78:2, 79:6, 81:23, 82:5, 82:21, 84:15, 84:23, 85:23, 86:16, 86:23, 87:9, 88:5, 88:21, 90:3, 91:20, 93:1, 93:7, 95:9, 95:13, 99:21, 103:10, 103:13, 105:3, 111:17, 111:20, 114:21, 115:3, 117:18, 125:18, 128:11, 133:17, 134:15, 134:20, 136:1, 138:17, 138:20, 140:1, 142:2, 142:5, 142:18, 142:22, 143:6, 147:3, 147:5, 148:3 <b>Keach's</b> [3] - 121:17, 124:17, 128:3 <b>keep</b> [4] - 20:21, 50:4, 96:21, 140:21 <b>kept</b> [1] - 118:18			
<b>J</b>			
<b>JACK</b> [1] - 1:17 <b>jack</b> [1] - 107:13 <b>jammed</b> [1] - 50:19 <b>JARROD</b> [4] - 1:1, 1:15, 144:7, 147:3 <b>Jarrold</b> [2] - 41:11, 146:5 <b>Jason</b> [1] - 10:13 <b>Jay</b> [2] - 10:17, 10:19 <b>Jeep</b> [2] - 51:7, 51:8 <b>job</b> [12] - 15:7, 38:2, 48:13, 51:20, 51:23,			

JACK W. HUNT &amp; ASSOCIATES, INC.

1120 Liberty Building

Buffalo, New York 14202 - (716) 853-5600

<p><b>kind</b> <sup>[10]</sup> - 8:5, 14:8, 25:20, 55:10, 68:20, 69:23, 71:3, 94:16, 105:18</p> <p><b>kit</b> <sup>[8]</sup> - 22:20, 84:6, 84:9, 84:11, 95:4, 99:9, 126:14</p> <p><b>kits</b> <sup>[1]</sup> - 15:19</p> <p><b>knowledge</b> <sup>[25]</sup> - 30:14, 36:20, 37:4, 37:14, 61:18, 61:21, 63:4, 67:15, 71:8, 74:5, 75:12, 78:11, 80:12, 82:1, 85:10, 101:19, 112:10, 118:17, 128:20, 134:13, 136:3, 137:11, 137:14, 137:19</p> <p><b>known</b> <sup>[4]</sup> - 42:20, 47:20, 67:5, 85:22</p>	<p><b>leaking</b> <sup>[2]</sup> - 83:10, 98:1</p> <p><b>learn</b> <sup>[1]</sup> - 8:3</p> <p><b>least</b> <sup>[3]</sup> - 5:6, 34:11, 54:8</p> <p><b>leave</b> <sup>[2]</sup> - 42:8, 92:9</p> <p><b>lecture</b> <sup>[2]</sup> - 59:1, 77:17</p> <p><b>left</b> <sup>[2]</sup> - 72:12, 73:2</p> <p><b>legal</b> <sup>[1]</sup> - 70:5</p> <p><b>leisure</b> <sup>[2]</sup> - 47:15, 76:23</p> <p><b>Leman</b> <sup>[5]</sup> - 24:21, 24:22, 25:4, 112:20, 112:21</p> <p><b>length</b> <sup>[3]</sup> - 109:14, 110:3, 110:8</p> <p><b>letter</b> <sup>[8]</sup> - 42:6, 44:22, 135:22, 136:6, 137:4, 137:12, 146:10, 148:14</p> <p><b>Liberty</b> <sup>[1]</sup> - 1:17</p> <p><b>life</b> <sup>[1]</sup> - 3:23</p> <p><b>lift</b> <sup>[8]</sup> - 15:19, 84:6, 84:9, 84:11, 107:16, 107:18, 107:20</p> <p><b>likely</b> <sup>[5]</sup> - 58:2, 98:3, 117:11, 130:3, 131:15</p> <p><b>limit</b> <sup>[1]</sup> - 129:22</p> <p><b>limited</b> <sup>[2]</sup> - 4:7, 128:20</p> <p><b>lines</b> <sup>[1]</sup> - 131:18</p> <p><b>listed</b> <sup>[1]</sup> - 127:14</p> <p><b>lives</b> <sup>[1]</sup> - 102:15</p> <p><b>LLC</b> <sup>[1]</sup> - 1:11</p> <p><b>LLP</b> <sup>[1]</sup> - 2:6</p> <p><b>local</b> <sup>[1]</sup> - 103:1</p> <p><b>look</b> <sup>[26]</sup> - 20:4, 21:15, 44:13, 45:2, 47:15, 48:23, 54:4, 56:7, 59:23, 64:4, 87:2, 93:3, 93:14, 95:5, 100:23, 120:19, 129:16, 129:23, 130:1, 131:6, 131:9, 137:16, 137:21, 148:5, 148:17</p> <p><b>looked</b> <sup>[5]</sup> - 19:1, 79:16, 121:5, 126:15, 127:13</p> <p><b>looking</b> <sup>[9]</sup> - 20:3, 91:5, 91:11, 113:16, 122:11, 126:18, 126:20, 131:13, 141:5</p> <p><b>looks</b> <sup>[7]</sup> - 15:23, 96:7, 96:15, 97:3, 100:13, 100:16, 105:22</p> <p><b>LORI</b> <sup>[2]</sup> - 1:19, 145:19</p>	<p><b>lose</b> <sup>[2]</sup> - 5:23, 33:7</p> <p><b>losing</b> <sup>[1]</sup> - 5:21</p> <p><b>loss</b> <sup>[1]</sup> - 96:8</p> <p><b>Louis</b> <sup>[2]</sup> - 2:8, 99:14</p> <p><b>lubricant</b> <sup>[1]</sup> - 128:22</p>	<p><b>M</b></p> <p><b>machine</b> <sup>[1]</sup> - 145:8</p> <p><b>magnitude</b> <sup>[1]</sup> - 31:1</p> <p><b>mail</b> <sup>[2]</sup> - 142:22, 143:1</p> <p><b>mailed</b> <sup>[1]</sup> - 142:23</p> <p><b>main</b> <sup>[1]</sup> - 136:8</p> <p><b>maintaining</b> <sup>[1]</sup> - 18:7</p> <p><b>majority</b> <sup>[1]</sup> - 110:10</p> <p><b>man</b> <sup>[2]</sup> - 106:1, 140:3</p> <p><b>manager</b> <sup>[11]</sup> - 16:23, 19:6, 50:1, 57:12, 58:1, 59:19, 61:3, 119:19, 120:3, 120:4, 120:6</p> <p><b>managers</b> <sup>[1]</sup> - 121:6</p> <p><b>manner</b> <sup>[1]</sup> - 145:8</p> <p><b>manufacturers</b> <sup>[2]</sup> - 35:5, 140:14</p> <p><b>March</b> <sup>[1]</sup> - 4:19</p> <p><b>mark</b> <sup>[5]</sup> - 23:1, 41:8, 94:19, 99:16, 135:19</p> <p><b>marked</b> <sup>[13]</sup> - 22:8, 23:6, 23:15, 41:9, 87:5, 87:6, 91:12, 93:4, 94:1, 99:19, 118:8, 129:16, 135:21</p> <p><b>market</b> <sup>[2]</sup> - 35:7, 35:8</p> <p><b>Mason</b> <sup>[1]</sup> - 11:1</p> <p><b>mass</b> <sup>[1]</sup> - 31:9</p> <p><b>materials</b> <sup>[1]</sup> - 30:18</p> <p><b>matter</b> <sup>[9]</sup> - 4:9, 13:7, 14:22, 15:7, 15:10, 46:12, 85:2, 130:9</p> <p><b>mean</b> <sup>[32]</sup> - 14:8, 17:13, 27:5, 27:8, 27:23, 28:16, 31:8, 35:5, 39:10, 44:12, 49:14, 52:2, 53:14, 65:20, 70:17, 77:20, 81:12, 85:1, 86:12, 88:6, 93:10, 95:9, 98:13, 105:4, 109:4, 112:4, 117:20, 132:19, 133:10, 133:18, 133:21, 148:4</p> <p><b>meaning</b> <sup>[1]</sup> - 30:3</p> <p><b>means</b> <sup>[4]</sup> - 7:10, 65:14, 142:9, 145:8</p> <p><b>mechanic</b> <sup>[7]</sup> -</p>	<p>36:16, 39:12, 50:10, 110:20, 128:15, 130:9, 139:3</p> <p><b>mechanical</b> <sup>[3]</sup> - 98:16, 128:20, 131:6</p> <p><b>mechanics</b> <sup>[4]</sup> - 50:21, 105:6, 112:11, 128:21</p> <p><b>medication</b> <sup>[1]</sup> - 7:20</p> <p><b>meet</b> <sup>[1]</sup> - 109:22</p> <p><b>melt</b> <sup>[2]</sup> - 51:11, 52:5</p> <p><b>melting</b> <sup>[1]</sup> - 51:16</p> <p><b>memory</b> <sup>[4]</sup> - 7:21, 46:12, 86:18, 125:22</p> <p><b>mention</b> <sup>[1]</sup> - 38:20</p> <p><b>mentioned</b> <sup>[3]</sup> - 39:7, 58:1, 127:9</p> <p><b>metallurgist</b> <sup>[1]</sup> - 131:6</p> <p><b>meticulous</b> <sup>[2]</sup> - 139:4, 140:7</p> <p><b>Miceli</b> <sup>[4]</sup> - 25:16, 25:19, 112:19, 112:22</p> <p><b>middle</b> <sup>[2]</sup> - 18:13, 99:4</p> <p><b>might</b> <sup>[12]</sup> - 13:6, 15:7, 15:15, 15:22, 93:19, 109:16, 111:11, 111:13, 114:6, 117:4, 119:5, 130:14</p> <p><b>Migliaccio</b> <sup>[1]</sup> - 10:10</p> <p><b>miles</b> <sup>[2]</sup> - 17:22, 33:2</p> <p><b>millions</b> <sup>[1]</sup> - 37:16</p> <p><b>mind</b> <sup>[1]</sup> - 8:2</p> <p><b>mine</b> <sup>[1]</sup> - 114:22</p> <p><b>mini</b> <sup>[5]</sup> - 29:7, 29:10, 30:4, 31:5, 40:6</p> <p><b>minute</b> <sup>[5]</sup> - 27:12, 73:8, 110:21, 114:21, 129:2</p> <p><b>minutes</b> <sup>[3]</sup> - 86:8, 115:1, 130:14</p> <p><b>mispronounce</b> <sup>[1]</sup> - 2:22</p> <p><b>Missouri</b> <sup>[1]</sup> - 2:8</p> <p><b>misstates</b> <sup>[1]</sup> - 54:18</p> <p><b>mistakes</b> <sup>[2]</sup> - 46:9, 120:21</p> <p><b>misunderstanding</b> <sup>[1]</sup> - 23:3</p> <p><b>mixed</b> <sup>[1]</sup> - 127:11</p> <p><b>mobile</b> <sup>[1]</sup> - 36:1</p> <p><b>model</b> <sup>[1]</sup> - 56:19</p> <p><b>model-year</b> <sup>[1]</sup> - 56:19</p> <p><b>module</b> <sup>[42]</sup> - 17:20,</p>	<p>19:12, 22:3, 31:18, 32:11, 38:9, 68:10, 68:13, 73:17, 81:12, 88:1, 88:2, 88:8, 88:16, 88:19, 90:13, 90:17, 90:23, 92:4, 96:12, 96:14, 97:10, 97:22, 100:7, 101:12, 101:13, 101:20, 103:19, 103:23, 106:11, 106:17, 108:3, 110:15, 111:8, 128:14, 129:12, 130:8, 130:21, 131:13, 132:1, 132:12, 132:14</p> <p><b>module's</b> <sup>[1]</sup> - 106:21</p> <p><b>modules</b> <sup>[27]</sup> - 15:4, 16:20, 17:19, 18:3, 18:19, 18:20, 19:3, 20:14, 21:5, 27:14, 32:6, 45:20, 88:12, 89:3, 90:5, 90:10, 91:6, 91:14, 92:1, 92:19, 94:9, 95:2, 96:10, 100:11, 104:18, 129:19, 138:9</p> <p><b>moment</b> <sup>[11]</sup> - 11:17, 20:13, 23:4, 27:17, 40:19, 57:1, 87:3, 111:18, 125:18, 135:20, 138:17</p> <p><b>mommy</b> <sup>[1]</sup> - 36:1</p> <p><b>money</b> <sup>[2]</sup> - 39:13, 90:11</p> <p><b>monitor</b> <sup>[9]</sup> - 13:18, 27:10, 52:10, 76:17, 98:18, 107:5, 107:6, 113:18, 129:7</p> <p><b>monitor's</b> <sup>[1]</sup> - 105:13</p> <p><b>monitoring</b> <sup>[7]</sup> - 15:4, 16:20, 24:1, 56:18, 89:21, 91:14, 97:5</p> <p><b>monitors</b> <sup>[1]</sup> - 121:11</p> <p><b>month</b> <sup>[2]</sup> - 8:18, 54:15</p> <p><b>months</b> <sup>[2]</sup> - 8:20, 9:13</p> <p><b>most</b> <sup>[5]</sup> - 44:3, 50:20, 58:2, 130:3, 131:15</p> <p><b>motion</b> <sup>[1]</sup> - 77:16</p> <p><b>mounted</b> <sup>[2]</sup> - 106:22, 106:23</p> <p><b>mounting</b> <sup>[1]</sup> - 87:19</p> <p><b>mounts</b> <sup>[2]</sup> - 92:4</p>
--	---	--	--	--	---

JACK W. HUNT &amp; ASSOCIATES, INC.

1120 Liberty Building

Buffalo, New York 14202 - (716) 853-5600

<p><b>move</b> [8] - 24:10, 56:13, 72:8, 72:21, 75:19, 79:7, 87:1, 128:22</p> <p><b>moving</b> [4] - 42:7, 74:10, 78:3, 78:9</p> <p><b>MR</b> [228] - 2:15, 18:14, 18:15, 18:22, 18:23, 19:4, 19:14, 20:17, 20:18, 20:22, 20:23, 21:9, 21:16, 22:6, 22:9, 22:11, 22:14, 22:16, 23:9, 27:21, 28:5, 28:10, 28:12, 29:3, 29:5, 29:13, 29:14, 29:18, 30:1, 31:7, 31:15, 32:20, 32:21, 33:3, 33:4, 33:9, 33:11, 34:21, 35:3, 36:5, 36:8, 36:12, 36:14, 37:1, 37:3, 37:9, 37:10, 37:20, 37:22, 39:3, 39:9, 39:22, 40:1, 40:23, 41:2, 41:12, 42:2, 42:3, 42:17, 42:19, 42:23, 43:3, 43:15, 43:16, 43:21, 43:23, 46:1, 46:3, 46:4, 47:9, 47:11, 47:16, 47:18, 48:1, 48:8, 49:18, 50:2, 53:8, 53:9, 54:6, 54:13, 54:17, 54:20, 54:21, 55:21, 56:4, 58:15, 58:18, 58:21, 58:22, 59:3, 59:4, 59:6, 59:11, 59:17, 60:1, 60:2, 60:12, 60:14, 60:19, 61:5, 62:7, 62:14, 63:7, 63:8, 63:14, 63:17, 64:6, 64:7, 64:15, 64:16, 64:19, 65:2, 65:11, 65:12, 65:15, 65:19, 65:23, 66:1, 66:4, 66:5, 66:15, 66:19, 67:1, 67:7, 68:3, 68:5, 68:19, 69:3, 69:16, 69:17, 70:7, 70:9, 70:14, 70:16, 70:23, 71:6, 74:7, 74:9, 74:17, 74:19, 74:23, 75:2, 75:8, 75:10, 76:13, 76:14, 77:1, 77:3, 77:8, 77:10, 77:12, 77:19, 77:20, 78:2, 79:4, 79:6, 81:21, 81:23, 82:3, 82:5, 82:20, 82:21, 84:13,</p>	<p>84:15, 84:20, 84:23, 85:19, 85:23, 86:11, 86:16, 86:23, 87:9, 88:4, 88:5, 88:20, 88:21, 89:16, 90:3, 91:17, 91:20, 92:22, 93:1, 93:7, 95:9, 95:12, 95:13, 99:21, 103:10, 103:13, 105:2, 105:3, 111:17, 111:20, 114:21, 115:1, 115:3, 115:6, 117:18, 117:21, 125:16, 125:18, 125:20, 128:9, 128:11, 133:13, 133:17, 134:6, 134:15, 134:19, 134:20, 136:1, 138:17, 138:20, 139:23, 140:1, 142:2, 142:4, 142:5, 142:15, 142:18, 142:21, 142:22, 143:6, 147:3, 147:4, 147:5, 148:3</p> <p><b>mud</b> [1] - 139:8</p> <p><b>multiple</b> [1] - 39:1</p> <p><b>must</b> [2] - 65:7, 65:17</p>	<p>104:21, 134:10, 141:15, 141:19</p> <p><b>NEW</b> [2] - 1:5, 145:1</p> <p><b>new</b> [18] - 34:2, 84:9, 84:11, 87:14, 87:19, 88:11, 92:2, 97:6, 97:7, 98:7, 98:8, 99:9, 99:11, 101:8, 107:6, 127:4</p> <p><b>New</b> [8] - 1:18, 2:3, 2:12, 10:20, 36:17, 87:17, 145:6</p> <p><b>next</b> [16] - 4:13, 25:18, 61:10, 63:10, 72:5, 73:19, 74:11, 75:6, 75:20, 78:3, 78:10, 79:19, 80:16, 81:3, 103:21, 104:6</p> <p><b>Nick</b> [1] - 10:10</p> <p><b>nine</b> [3] - 117:8, 117:14, 118:3</p> <p><b>nipple</b> [1] - 99:3</p> <p><b>nobody</b> [1] - 39:14</p> <p><b>non</b> [1] - 89:9</p> <p><b>non-TPMS-equipped</b> [1] - 89:9</p> <p><b>normal</b> [2] - 45:11, 119:9</p> <p><b>NORTHERN</b> [1] - 1:5</p> <p><b>NOTARY</b> [1] - 144:14</p> <p><b>Notary</b> [3] - 1:20, 145:5, 145:20</p> <p><b>note</b> [5] - 17:3, 20:8, 45:22, 119:18, 127:4</p> <p><b>noted</b> [4] - 45:14, 46:7, 62:11, 127:2</p> <p><b>notes</b> [1] - 111:17</p> <p><b>nothing</b> [5] - 37:8, 75:16, 111:16, 124:9, 145:15</p> <p><b>nothing's</b> [2] - 41:17, 41:18</p> <p><b>notices</b> [1] - 141:2</p> <p><b>notification</b> [1] - 140:13</p> <p><b>notorious</b> [1] - 5:21</p> <p><b>nowadays</b> [1] - 88:23</p> <p><b>number</b> [7] - 23:7, 87:7, 93:5, 128:14, 146:3, 146:6, 146:7</p> <p><b>nut</b> [29] - 99:1, 106:14, 108:4, 108:16, 108:18, 108:20, 109:8, 109:22, 110:14, 111:10, 111:11, 115:14, 115:15, 115:18, 115:19, 116:2, 116:10, 117:2,</p>	<p>117:6, 117:12, 126:13, 126:17, 128:13, 129:6, 129:12, 129:19, 130:1, 132:6</p> <p><b>nuts</b> [5] - 117:8, 117:20, 117:22, 126:22, 128:21</p>	<p>15:21, 111:11</p> <p><b>occasions</b> [1] - 115:13</p> <p><b>occurred</b> [2] - 34:20, 119:5</p> <p><b>October</b> [2] - 1:18, 144:4</p> <p><b>OF</b> [4] - 1:5, 2:1, 145:1, 145:3</p> <p><b>off-roading</b> [1] - 51:9</p> <p><b>offer</b> [1] - 47:13</p> <p><b>offered</b> [3] - 18:5, 76:21, 79:2</p> <p><b>office</b> [3] - 19:6, 41:22, 49:22</p> <p><b>offices</b> [2] - 1:16, 136:20</p> <p><b>OFFICES</b> [1] - 2:1</p> <p><b>often</b> [2] - 16:2, 17:12</p> <p><b>oil</b> [1] - 97:4</p> <p><b>old</b> [17] - 13:20, 14:16, 15:15, 17:3, 17:6, 17:12, 17:14, 19:12, 31:23, 53:14, 80:10, 87:20, 89:2, 92:14, 118:3, 119:23, 121:11</p> <p><b>old-school</b> [2] - 89:2, 92:14</p> <p><b>once</b> [4] - 42:7, 44:4, 55:5</p> <p><b>One</b> [2] - 2:2, 2:7</p> <p><b>one</b> [64] - 8:19, 9:13, 9:19, 9:23, 15:14, 15:18, 16:23, 17:20, 18:2, 19:11, 20:7, 24:1, 32:15, 34:23, 35:9, 38:4, 38:12, 38:16, 38:17, 48:3, 54:9, 54:11, 54:23, 57:15, 66:8, 81:10, 87:12, 88:17, 89:7, 94:22, 95:4, 95:6, 95:7, 95:14, 95:16, 95:18, 95:20, 95:21, 95:22, 96:4, 96:10, 96:11, 96:15, 102:8, 105:13, 106:10, 108:2, 108:4, 108:17, 108:18, 112:18, 115:15, 119:17, 122:8, 125:18, 127:13, 128:20, 129:19, 135:23, 140:11, 146:11</p> <p><b>one's</b> [2] - 38:16, 116:18</p> <p><b>ones</b> [6] - 28:19, 29:1, 34:2, 34:23,</p>
--	--	--	--	---

JACK W. HUNT &amp; ASSOCIATES, INC.

1120 Liberty Building

Buffalo, New York 14202 - (716) 853-5600



<p>35:14, 94:13  <b>open</b> [1] - 140:23  <b>opinion</b> [1] - 78:1  <b>option</b> [2] - 142:15, 142:19  <b>orally</b> [1] - 120:15  <b>order</b> [5] - 17:5, 19:9, 30:23, 105:21, 140:23  <b>ordinary</b> [4] - 3:8, 118:19, 118:21, 135:11  <b>organization</b> [1] - 5:21  <b>organize</b> [1] - 105:21  <b>Original</b> [1] - 146:14  <b>original</b> [1] - 146:14  <b>originally</b> [2] - 12:21, 55:7  <b>originate</b> [3] - 109:3, 109:4, 109:11  <b>otherwise</b> [1] - 120:21  <b>outer</b> [1] - 131:4  <b>outside</b> [1] - 138:21  <b>own</b> [12] - 19:17, 19:21, 19:22, 22:15, 33:12, 33:14, 33:15, 43:5, 43:7, 43:8, 60:17, 88:13  <b>owns</b> [2] - 33:16, 105:5</p>	<p>26:16, 30:20, 45:12, 49:23, 50:11, 50:15, 50:21, 51:13, 51:16, 52:15, 52:19, 58:10, 58:14, 63:10, 65:6, 65:13, 65:16, 65:21, 66:9, 66:11, 67:23, 75:6, 75:17, 75:20, 76:11, 78:17, 78:20, 79:2, 80:10, 80:14, 82:9, 85:18, 90:20, 96:5, 104:23, 109:5, 109:14, 109:16, 109:17, 118:4, 119:10, 119:23, 121:18, 121:19, 121:22, 127:17, 131:4, 131:17, 141:12  <b>part's</b> [2] - 26:20, 121:8  <b>participating</b> [1] - 3:3  <b>particular</b> [9] - 30:3, 30:11, 30:15, 65:21, 66:17, 68:9, 83:3, 97:2, 141:6  <b>particularly</b> [2] - 106:17, 111:9  <b>parts</b> [19] - 13:20, 15:7, 15:15, 17:7, 17:12, 17:14, 18:6, 19:13, 26:15, 35:9, 50:4, 51:10, 53:15, 54:5, 65:8, 90:14, 96:3, 116:21, 127:15  <b>pass</b> [4] - 12:7, 94:18, 95:10, 105:20  <b>pay</b> [3] - 38:3, 39:13, 39:20  <b>penalty</b> [2] - 54:2, 64:2  <b>pending</b> [10] - 56:21, 57:18, 60:8, 61:13, 73:21, 74:14, 79:21, 80:20, 123:1, 123:15  <b>people</b> [27] - 3:8, 14:9, 15:14, 15:19, 15:23, 17:11, 33:1, 36:23, 39:6, 39:10, 39:11, 39:18, 40:8, 74:22, 86:2, 102:7, 116:2, 122:12, 124:7, 133:23, 134:22, 134:23, 135:3, 139:4, 139:7, 139:11  <b>percent</b> [4] - 12:20, 110:9, 133:9, 135:13  <b>perception</b> [2] - 36:15, 60:17  <b>perfect</b> [1] - 6:6</p>	<p><b>perjury</b> [2] - 54:2, 64:2  <b>person</b> [7] - 21:13, 43:12, 57:11, 119:17, 120:9, 139:20, 140:2  <b>personal</b> [3] - 101:18, 118:16, 125:22  <b>personally</b> [17] - 21:11, 49:20, 57:5, 57:20, 59:13, 61:16, 74:2, 75:9, 80:8, 80:22, 81:22, 83:9, 97:23, 119:3, 122:9, 126:3, 135:16  <b>personnel</b> [2] - 124:1, 125:13  <b>persons</b> [2] - 118:20, 135:10  <b>phone</b> [10] - 4:23, 12:10, 13:11, 13:12, 13:16, 44:2, 44:7, 56:6, 56:9, 138:18  <b>photo</b> [2] - 129:18, 129:23  <b>phrasing</b> [1] - 64:9  <b>physical</b> [1] - 124:12  <b>picked</b> [1] - 101:2  <b>Pine</b> [1] - 2:2  <b>pistons</b> [1] - 15:13  <b>place</b> [1] - 117:7  <b>places</b> [1] - 35:9  <b>Plains</b> [2] - 10:20, 18:4  <b>Plaintiffs</b> [2] - 1:9, 2:5  <b>Plaintiffs'</b> [11] - 10:7, 43:18, 47:8, 47:13, 47:21, 70:11, 71:14, 71:21, 76:5, 77:6, 137:15  <b>planned</b> [11] - 56:21, 57:18, 60:8, 61:12, 71:15, 73:21, 74:13, 79:21, 80:19, 123:1, 123:15  <b>planning</b> [2] - 71:22, 123:10  <b>Plaza</b> [2] - 2:2, 2:7  <b>plenty</b> [1] - 77:15  <b>plugs</b> [4] - 14:6, 14:9, 14:13, 14:17  <b>pocket</b> [1] - 91:1  <b>point</b> [21] - 4:13, 4:14, 5:16, 8:17, 13:8, 34:10, 34:14, 34:23, 43:5, 45:5, 52:11, 54:23, 71:20, 80:9, 89:22, 97:3, 104:17, 108:3, 114:18,</p>	<p>121:15, 131:1  <b>policies</b> [1] - 106:4  <b>policy</b> [3] - 106:3, 119:15, 121:7  <b>polish</b> [1] - 86:18  <b>pop</b> [1] - 92:16  <b>portion</b> [1] - 45:15  <b>position</b> [1] - 16:21  <b>positive</b> [2] - 114:7, 133:9  <b>possession</b> [19] - 21:6, 45:21, 54:9, 54:11, 59:15, 64:12, 66:17, 67:4, 67:23, 68:13, 76:5, 76:16, 78:19, 85:21, 121:10, 122:5, 136:18, 138:14  <b>possible</b> [5] - 19:5, 19:8, 117:19, 117:22, 126:21  <b>possibly</b> [2] - 55:14, 121:2  <b>postponed</b> [1] - 9:14  <b>PP</b> [1] - 129:17  <b>practice</b> [5] - 45:11, 46:9, 65:8, 86:2, 119:9  <b>precaution</b> [6] - 62:3, 62:21, 81:17, 82:11, 84:5, 84:7  <b>precautions</b> [4] - 62:9, 62:10, 75:4, 123:20  <b>preceding</b> [1] - 61:20  <b>preference</b> [2] - 6:4, 142:11  <b>prepare</b> [2] - 63:23, 94:3  <b>presence</b> [1] - 145:10  <b>presented</b> [1] - 94:8  <b>preservation</b> [2] - 78:5, 127:23  <b>preserved</b> [1] - 82:17  <b>presses</b> [1] - 98:20  <b>pressure</b> [17] - 13:18, 15:4, 16:19, 24:1, 27:9, 52:10, 56:17, 76:17, 89:8, 89:21, 91:13, 97:5, 98:17, 105:12, 113:18, 121:11, 129:7  <b>pretty</b> [9] - 15:16, 35:18, 36:11, 51:18, 110:22, 111:14, 129:14, 130:21, 140:6  <b>previously</b> [2] - 118:7, 129:16  <b>price</b> [4] - 38:15, 38:20, 52:6, 87:18</p>	<p><b>primarily</b> [2] - 5:20, 96:2  <b>print</b> [1] - 5:19  <b>printed</b> [2] - 100:13, 100:16  <b>privilege</b> [2] - 48:14, 86:12  <b>pro</b> [1] - 2:7  <b>problem</b> [15] - 6:2, 6:20, 12:5, 14:8, 28:7, 29:20, 39:2, 49:3, 50:23, 126:23, 140:20, 141:6, 141:8, 141:10, 141:21  <b>problems</b> [12] - 27:19, 27:23, 28:14, 29:11, 30:5, 31:6, 33:21, 37:18, 89:20, 139:17, 140:8, 140:14  <b>Procedure</b> [1] - 142:7  <b>proceed</b> [3] - 20:5, 77:19, 141:14  <b>proceeding</b> [2] - 18:11, 42:10  <b>process</b> [3] - 6:18, 106:19, 110:22  <b>PRODUCTION</b> [1] - 148:1  <b>products</b> [1] - 33:14  <b>pronounce</b> [1] - 16:5  <b>proper</b> [2] - 46:15, 116:23  <b>properly</b> [1] - 16:5  <b>propose</b> [1] - 136:19  <b>proposed</b> [2] - 2:20, 133:22  <b>protect</b> [1] - 93:11  <b>protrude</b> [1] - 109:18  <b>protrudes</b> [1] - 109:15  <b>provide</b> [1] - 3:5  <b>provided</b> [9] - 42:15, 42:21, 59:22, 60:17, 71:8, 94:5, 118:20, 120:10, 135:9  <b>providing</b> [1] - 135:1  <b>PUBLIC</b> [1] - 144:14  <b>Public</b> [3] - 1:20, 145:5, 145:20  <b>pull</b> [4] - 23:14, 32:23, 106:14, 128:15  <b>pulling</b> [1] - 116:14  <b>punch</b> [1] - 105:22  <b>purchase</b> [1] - 34:8  <b>purchased</b> [2] - 34:6, 97:4  <b>purported</b> [1] - 11:19  <b>purpose</b> [1] - 58:17  <b>purposes</b> [2] - 42:14,</p>
--	--	--	---	---

JACK W. HUNT &amp; ASSOCIATES, INC.

1120 Liberty Building

Buffalo, New York 14202 - (716) 853-5600

<p>59:8  <b>pursuant</b> [2] - 1:16,  40:20  <b>push</b> [1] - 99:4  <b>put</b> [21] - 23:1, 23:2,  23:17, 28:23, 34:2,  46:11, 55:10, 56:3,  79:14, 84:9, 84:11,  84:21, 88:2, 94:1,  98:6, 99:3, 107:6,  107:7, 109:7, 119:18,  135:7  <b>putting</b> [2] - 35:14,  119:1</p>	<p>80:17  <b>ready</b> [2] - 20:5, 20:6  <b>real</b> [1] - 111:15  <b>really</b> [11] - 19:9,  27:2, 44:17, 53:11,  84:16, 86:5, 105:13,  111:16, 134:10,  140:22, 148:9  <b>rear</b> [3] - 72:12, 73:2,  79:9  <b>reason</b> [14] - 20:20,  31:13, 50:5, 51:6,  80:13, 117:1, 120:17,  120:19, 121:4, 122:4,  125:1, 125:7, 126:2,  128:5  <b>reasons</b> [1] - 5:20  <b>recalled</b> [1] - 13:19  <b>receipt</b> [5] - 20:10,  24:4, 25:16, 73:8,  73:14  <b>receipts</b> [11] - 13:9,  19:1, 19:2, 19:11,  20:7, 27:16, 40:18,  94:5, 94:7, 96:9,  100:1  <b>received</b> [7] - 8:10,  8:19, 9:13, 9:19, 9:23,  12:9, 68:23  <b>reception</b> [1] - 60:5  <b>recess</b> [4] - 86:22,  99:18, 103:12, 138:19  <b>recollection</b> [1] -  16:18  <b>record</b> [18] - 3:23,  20:2, 22:8, 22:13,  54:18, 56:15, 59:7,  64:23, 72:10, 86:15,  93:11, 103:10,  111:18, 111:19,  115:4, 116:7, 136:11,  143:6  <b>records</b> [12] - 116:1,  118:18, 119:4,  119:12, 121:2,  122:12, 123:7,  123:23, 124:12,  124:14, 125:13,  135:15  <b>reduced</b> [1] - 145:10  <b>refer</b> [2] - 23:11, 90:1  <b>reference</b> [1] - 52:12  <b>referring</b> [4] - 22:12,  28:9, 39:5, 89:1  <b>reflect</b> [10] - 22:13,  25:13, 81:1, 82:2,  96:9, 96:11, 100:5,  124:2, 131:19, 143:7  <b>reflected</b> [10] - 26:4,  51:3, 51:13, 75:16,</p>	<p>81:3, 90:7, 97:1, 97:9,  119:11, 126:9  <b>refrain</b> [1] - 77:22  <b>regard</b> [2] - 86:21,  124:8  <b>regarding</b> [1] - 94:13  <b>regardless</b> [2] - 4:8,  4:11  <b>regular</b> [1] - 90:2  <b>regularly</b> [3] - 36:11,  118:20, 135:10  <b>reinserted</b> [1] - 92:2  <b>relate</b> [1] - 95:1  <b>related</b> [2] - 73:21,  123:1  <b>relating</b> [4] - 56:22,  57:19, 60:8, 79:21  <b>relative</b> [2] - 76:19,  145:15  <b>relax</b> [1] - 86:4  <b>relied</b> [2] - 134:22,  134:23  <b>rely</b> [3] - 118:21,  119:3, 135:10  <b>relying</b> [1] - 60:16  <b>remained</b> [1] - 92:20  <b>remember</b> [8] - 9:4,  11:11, 41:3, 44:4,  44:6, 56:3, 56:10,  83:16  <b>removal</b> [9] - 57:4,  62:5, 63:12, 64:18,  66:3, 66:13, 75:22,  124:9  <b>remove</b> [16] - 26:15,  50:11, 82:13, 88:8,  92:7, 92:11, 106:12,  106:17, 107:2, 107:3,  107:4, 111:6, 117:9,  128:17, 130:8  <b>removed</b> [37] -  17:19, 18:20, 21:7,  45:12, 53:5, 56:17,  61:12, 64:12, 66:10,  67:16, 72:12, 73:2,  74:13, 76:6, 78:12,  78:17, 79:9, 80:19,  82:9, 83:4, 83:20,  84:6, 85:11, 92:3,  101:20, 104:19,  119:10, 121:18,  121:19, 122:1, 122:6,  122:7, 123:21, 124:3,  124:10, 125:1, 125:8  <b>removing</b> [13] - 62:4,  62:22, 75:5, 81:18,  84:8, 85:4, 106:10,  108:2, 110:12,  110:14, 111:9,  115:11, 117:17</p>	<p><b>repair</b> [25] - 13:18,  20:15, 20:20, 22:20,  28:2, 28:3, 37:6,  46:20, 72:15, 87:10,  90:6, 95:4, 96:2,  96:14, 101:8, 105:6,  105:16, 120:15,  125:22, 126:4,  126:14, 126:21,  127:10, 138:4, 138:5  <b>repaired</b> [3] - 14:1,  16:13, 72:19  <b>repairing</b> [3] - 46:16,  94:9, 105:10  <b>repairs</b> [5] - 32:15,  87:20, 138:3, 138:6,  138:9  <b>replace</b> [24] - 14:2,  14:13, 24:6, 26:15,  26:17, 31:18, 37:16,  38:4, 38:8, 50:11,  51:9, 65:9, 88:8,  88:18, 88:19, 89:1,  90:13, 91:6, 92:12,  97:22, 116:15, 117:5,  126:12  <b>replaced</b> [31] - 14:9,  14:13, 17:20, 18:20,  22:3, 24:2, 27:14,  32:6, 47:6, 56:17,  72:12, 73:2, 73:17,  79:9, 89:13, 89:14,  90:5, 91:18, 91:21,  92:21, 97:10, 98:6,  100:6, 100:10,  101:11, 101:14,  103:23, 112:2,  112:15, 126:22,  129:20  <b>replacement</b> [3] -  96:10, 96:12, 104:10  <b>replacing</b> [3] - 15:21,  95:2, 98:10  <b>report</b> [1] - 145:7  <b>reporter</b> [6] - 3:10,  3:22, 5:18, 7:9, 7:15,  142:16  <b>represent</b> [2] - 11:6,  115:9  <b>representation</b> [5] -  58:13, 58:16, 68:10,  124:17, 128:3  <b>representations</b> [1] -  121:17  <b>represented</b> [3] -  4:3, 76:4, 138:10  <b>representing</b> [2] -  76:3, 118:11  <b>represents</b> [1] -  128:19</p>	<p><b>reprogram</b> [1] -  111:1  <b>request</b> [6] - 21:8,  40:20, 45:14, 67:10,  78:5, 124:2  <b>requested</b> [7] - 8:21,  13:20, 17:15, 21:15,  80:10, 81:4, 136:14  <b>REQUESTS</b> [1] -  148:1  <b>requests</b> [1] - 45:12  <b>required</b> [3] - 43:12,  50:5, 118:2  <b>requires</b> [1] - 51:15  <b>reservation</b> [1] -  67:10  <b>resolve</b> [1] - 55:19  <b>respectful</b> [1] - 77:11  <b>responded</b> [1] - 5:6  <b>response</b> [2] - 3:6,  77:16  <b>rest</b> [1] - 116:11  <b>result</b> [1] - 43:13  <b>retain</b> [2] - 70:5,  138:4  <b>retained</b> [2] - 136:17,  138:2  <b>return</b> [4] - 3:19,  67:10, 78:6, 81:5  <b>returned</b> [5] - 45:13,  85:12, 119:11,  122:14, 124:19  <b>returning</b> [1] -  114:10  <b>reveal</b> [1] - 48:19  <b>review</b> [2] - 69:13,  118:18  <b>reviewed</b> [2] - 94:3,  135:6  <b>reviewing</b> [2] -  92:18, 111:17  <b>rid</b> [1] - 51:12  <b>rim</b> [2] - 98:18,  106:21  <b>ring</b> [2] - 98:19,  98:22  <b>risk</b> [1] - 129:9  <b>road</b> [4] - 18:1, 33:1,  108:11, 108:13  <b>roading</b> [1] - 51:9  <b>roads</b> [1] - 36:17  <b>ROBERT</b> [3] - 1:7,  2:1, 2:2  <b>rotted</b> [1] - 111:11  <b>roughly</b> [3] - 97:10,  101:12, 137:5  <b>RR</b> [8] - 41:8, 41:10,  41:20, 45:6, 72:9,  118:8, 135:8, 146:5  <b>rubber</b> [13] - 35:1,</p>
---	---	---	--	---

JACK W. HUNT &amp; ASSOCIATES, INC.

1120 Liberty Building

Buffalo, New York 14202 - (716) 853-5600

<p>35:2, 35:5, 35:10, 35:11, 35:14, 35:16, 89:7, 89:9, 90:2, 92:15, 98:19, 98:22</p> <p><b>Rule</b> [1] - 42:5</p> <p><b>Rules</b> [1] - 142:7</p> <p><b>run</b> [1] - 19:6</p> <p><b>rust</b> [1] - 51:8</p> <p><b>rusty</b> [1] - 129:6</p>	<p>82:1</p> <p><b>secured</b> [1] - 137:6</p> <p><b>see</b> [28] - 5:13, 5:14, 10:8, 14:8, 15:15, 15:22, 19:2, 19:15, 25:17, 29:10, 29:20, 31:5, 31:10, 32:1, 36:7, 40:9, 45:7, 53:13, 53:15, 56:8, 93:13, 107:21, 118:22, 119:22, 122:9, 123:3, 131:10, 139:15</p> <p><b>seeing</b> [1] - 32:4</p> <p><b>self</b> [2] - 111:21, 133:19</p> <p><b>self-evident</b> [2] - 111:21, 133:19</p> <p><b>sell</b> [2] - 52:1, 89:18</p> <p><b>send</b> [6] - 44:22, 45:1, 142:20, 143:4, 148:14, 148:16</p> <p><b>sense</b> [2] - 58:21, 106:7</p> <p><b>sensor</b> [8] - 24:6, 24:7, 26:11, 56:18, 72:12, 73:3, 79:9, 81:5</p> <p><b>sensors</b> [1] - 96:1</p> <p><b>sent</b> [9] - 12:19, 12:22, 13:9, 13:12, 13:14, 48:4, 48:22, 100:2, 137:4</p> <p><b>sentence</b> [24] - 60:7, 61:10, 61:20, 62:18, 63:10, 65:22, 67:14, 68:1, 73:1, 73:19, 74:11, 75:6, 75:20, 76:11, 78:3, 78:10, 78:18, 78:20, 78:23, 79:19, 80:17, 81:3, 85:9</p> <p><b>separate</b> [1] - 96:6</p> <p><b>series</b> [3] - 4:6, 10:6, 48:17</p> <p><b>service</b> [28] - 16:23, 25:15, 45:13, 46:10, 50:1, 58:1, 59:19, 66:22, 78:4, 80:13, 85:13, 97:5, 99:8, 106:5, 112:22, 119:19, 120:2, 120:3, 120:4, 120:6, 120:7, 121:6, 140:16, 141:3, 141:4, 141:11</p> <p><b>serviced</b> [2] - 67:19, 78:15</p> <p><b>set</b> [1] - 118:17</p> <p><b>seven</b> [3] - 117:7, 117:14, 118:3</p>	<p><b>several</b> [2] - 8:19, 32:3</p> <p><b>shaft</b> [2] - 109:1, 110:8</p> <p><b>shake</b> [2] - 3:9, 3:13</p> <p><b>shape</b> [1] - 27:2</p> <p><b>share</b> [1] - 69:11</p> <p><b>sheet</b> [1] - 143:3</p> <p><b>shop</b> [30] - 14:1, 16:22, 17:6, 17:19, 18:21, 21:7, 21:8, 22:3, 25:9, 25:10, 29:11, 30:12, 31:10, 46:18, 46:20, 47:7, 49:23, 61:1, 65:17, 82:8, 87:11, 96:2, 120:15, 138:22, 139:3, 139:12, 140:12, 140:14, 140:17, 143:1</p> <p><b>short</b> [4] - 44:22, 103:2, 103:7, 148:14</p> <p><b>shorthand</b> [1] - 145:9</p> <p><b>shove</b> [1] - 109:6</p> <p><b>show</b> [13] - 3:18, 5:14, 5:22, 9:11, 9:23, 41:7, 87:4, 93:21, 118:6, 119:4, 135:5, 135:18, 136:2</p> <p><b>showed</b> [1] - 126:23</p> <p><b>showing</b> [1] - 5:7</p> <p><b>shows</b> [1] - 89:12</p> <p><b>side</b> [8] - 5:3, 6:21, 17:23, 32:23, 108:11, 108:13, 127:10, 127:11</p> <p><b>sign</b> [3] - 142:8, 142:11, 143:7</p> <p><b>signature</b> [2] - 11:10, 142:16</p> <p><b>signed</b> [8] - 11:19, 12:8, 13:14, 49:9, 70:17, 70:18, 71:21, 72:3</p> <p><b>significant</b> [2] - 113:21, 114:2</p> <p><b>signing</b> [3] - 11:11, 49:3, 60:15</p> <p><b>similarly</b> [1] - 1:7</p> <p><b>single</b> [1] - 105:6</p> <p><b>sit</b> [5] - 4:20, 26:7, 77:4, 112:10, 128:2</p> <p><b>sitting</b> [4] - 4:18, 70:21, 107:12, 108:1</p> <p><b>situated</b> [1] - 1:8</p> <p><b>situation</b> [1] - 117:12</p> <p><b>six</b> [3] - 117:7, 117:13, 118:3</p> <p><b>smaller</b> [1] - 46:19</p>	<p><b>smash</b> [8] - 27:3, 111:13, 115:14, 116:17, 117:1, 117:4, 117:5, 128:18</p> <p><b>smashed</b> [1] - 116:3</p> <p><b>smashing</b> [2] - 116:10, 130:15</p> <p><b>smoke</b> [1] - 4:22</p> <p><b>smooth</b> [1] - 109:17</p> <p><b>soapbox</b> [3] - 59:1, 77:17, 77:22</p> <p><b>socket</b> [9] - 108:17, 110:13, 110:14, 130:11, 132:6, 132:20, 132:21, 132:22</p> <p><b>solid</b> [1] - 132:2</p> <p><b>someone</b> [12] - 32:15, 77:13, 87:23, 98:15, 116:10, 118:11, 119:4, 120:14, 120:16, 126:21, 131:5, 139:16</p> <p><b>something's</b> [1] - 51:19</p> <p><b>sometimes</b> [8] - 6:7, 6:8, 6:9, 27:1, 95:23, 117:8, 127:10, 129:4</p> <p><b>somewhat</b> [1] - 93:10</p> <p><b>somewhere</b> [2] - 10:20, 44:11</p> <p><b>son</b> [2] - 103:1, 103:2</p> <p><b>sorry</b> [4] - 9:18, 19:19, 96:20, 142:23</p> <p><b>sort</b> [5] - 35:20, 50:23, 127:11, 128:22, 140:13</p> <p><b>sound</b> [3] - 5:10, 7:1, 110:18</p> <p><b>sounds</b> [1] - 110:19</p> <p><b>spark</b> [4] - 14:6, 14:9, 14:12, 14:17</p> <p><b>speaking</b> [2] - 28:20, 29:1</p> <p><b>special</b> [16] - 62:2, 62:9, 62:10, 62:21, 75:4, 81:17, 82:11, 84:4, 84:7, 111:6, 111:7, 111:15, 111:16, 123:20, 130:8, 132:3</p> <p><b>specific</b> [2] - 47:13, 130:6</p> <p><b>specifically</b> [1] - 45:14</p> <p><b>speed</b> [1] - 99:13</p> <p><b>spoken</b> [4] - 3:5, 10:11, 49:20, 56:11</p>	<p><b>spoliation</b> [1] - 43:12</p> <p><b>spray</b> [1] - 129:1</p> <p><b>ss</b> [1] - 145:2</p> <p><b>SS</b> [6] - 87:5, 87:7, 91:12, 125:17, 125:19, 146:6</p> <p><b>St</b> [2] - 2:8, 99:14</p> <p><b>standard</b> [1] - 46:8</p> <p><b>standards</b> [1] - 59:4</p> <p><b>start</b> [6] - 8:1, 32:1, 32:3, 72:9, 72:16, 93:8</p> <p><b>starting</b> [1] - 31:20</p> <p><b>state</b> [2] - 118:15, 122:22</p> <p><b>STATE</b> [1] - 145:1</p> <p><b>State</b> [3] - 87:17, 87:18, 145:6</p> <p><b>STATES</b> [1] - 1:4</p> <p><b>states</b> [3] - 19:12, 24:5, 25:15</p> <p><b>stay</b> [1] - 41:14</p> <p><b>stem</b> [39] - 27:9, 32:2, 34:16, 35:16, 35:20, 35:21, 36:2, 57:4, 59:16, 64:12, 66:17, 66:21, 72:18, 76:6, 76:11, 76:21, 77:7, 83:3, 83:4, 83:20, 87:19, 88:1, 88:11, 88:16, 88:18, 89:1, 89:4, 89:7, 89:8, 90:2, 97:7, 108:5, 109:1, 109:14, 109:15, 110:3, 127:5, 131:4, 140:8</p> <p><b>stems</b> [38] - 27:20, 28:1, 28:8, 28:14, 29:11, 29:16, 30:5, 30:11, 31:6, 32:16, 33:22, 35:8, 36:9, 36:22, 37:7, 37:17, 38:1, 39:1, 40:5, 40:10, 40:15, 42:1, 47:6, 47:14, 47:21, 53:4, 53:20, 57:10, 88:13, 89:2, 89:13, 112:1, 112:12, 112:15, 113:6, 139:18, 141:17, 141:22</p> <p><b>step</b> [12] - 16:3, 17:17, 20:12, 27:11, 53:1, 53:23, 67:22, 71:19, 72:14, 83:6, 94:2, 137:21</p> <p><b>steps</b> [1] - 6:13</p> <p><b>Steve</b> [1] - 136:7</p> <p><b>stick</b> [1] - 51:18</p> <p><b>sticker</b> [1] - 41:15</p>
---	--	---	--	--

JACK W. HUNT &amp; ASSOCIATES, INC.

1120 Liberty Building

Buffalo, New York 14202 - (716) 853-5600

<p><b>still</b> [5] - 24:22, 102:1, 113:2, 128:3, 130:1</p> <p><b>stop</b> [2] - 56:23, 58:19</p> <p><b>stopped</b> [1] - 34:22</p> <p><b>store</b> [1] - 35:9</p> <p><b>stores</b> [1] - 96:3</p> <p><b>strange</b> [1] - 20:20</p> <p><b>strike</b> [2] - 115:22, 123:5</p> <p><b>stripped</b> [1] - 117:3</p> <p><b>stuck</b> [4] - 50:19, 130:13, 130:16, 131:15</p> <p><b>stud</b> [3] - 98:19, 98:21</p> <p><b>stuff</b> [1] - 25:10</p> <p><b>stuffing</b> [1] - 26:22</p> <p><b>style</b> [2] - 89:10, 106:13</p> <p><b>subject</b> [1] - 18:10</p> <p><b>submitted</b> [2] - 11:9, 64:1</p> <p><b>subordinates</b> [1] - 104:22</p> <p><b>Subpoena</b> [1] - 1:16</p> <p><b>subpoena</b> [13] - 8:7, 8:8, 8:10, 8:16, 9:10, 44:23, 49:15, 69:2, 69:6, 93:18, 93:20, 100:2, 148:15</p> <p><b>subpoenas</b> [1] - 94:4</p> <p><b>substance</b> [6] - 13:3, 24:6, 32:10, 39:18, 39:21, 114:17</p> <p><b>such-and-such</b> [2] - 141:12, 141:13</p> <p><b>suggested</b> [1] - 89:11</p> <p><b>suggests</b> [1] - 124:20</p> <p><b>suit</b> [2] - 71:11, 84:19</p> <p><b>Suite</b> [1] - 2:2</p> <p><b>Sullivan</b> [1] - 136:18</p> <p><b>Sullivan's</b> [1] - 136:20</p> <p><b>summons</b> [1] - 8:4</p> <p><b>supervises</b> [1] - 7:16</p> <p><b>suppliers</b> [1] - 38:19</p> <p><b>supposed</b> [7] - 8:17, 54:22, 59:1, 81:15, 119:13, 120:18, 121:13</p> <p><b>surprise</b> [2] - 118:1, 118:5</p> <p><b>swear</b> [1] - 126:7</p> <p><b>Sworn</b> [1] - 144:9</p> <p><b>sworn</b> [2] - 2:13,</p>	<p>145:13</p> <p><b>system</b> [7] - 15:4, 16:20, 24:1, 56:18, 91:14, 100:20, 141:13</p> <p><b>system's</b> [1] - 100:21</p> <p><b>systems</b> [2] - 89:21, 105:17</p> <p style="text-align: center;"><b>T</b></p> <p><b>table</b> [1] - 70:21</p> <p><b>talks</b> [1] - 87:16</p> <p><b>tazar@thompsoncoburn.com</b> [1] - 2:9</p> <p><b>technical</b> [5] - 140:16, 140:19, 141:3, 141:4, 141:11</p> <p><b>technician</b> [8] - 17:4, 17:5, 24:19, 25:7, 115:13, 116:14, 119:22, 120:11</p> <p><b>technological</b> [1] - 5:12</p> <p><b>tedious</b> [1] - 93:10</p> <p><b>tedium</b> [1] - 93:12</p> <p><b>ten</b> [4] - 115:1, 117:8, 117:14, 118:3</p> <p><b>term</b> [2] - 44:14, 148:6</p> <p><b>terminology</b> [1] - 12:4</p> <p><b>terms</b> [5] - 84:21, 106:4, 115:10, 121:7, 122:11</p> <p><b>terror</b> [1] - 5:13</p> <p><b>testified</b> [5] - 2:13, 112:5, 123:14, 123:19, 127:12</p> <p><b>testify</b> [7] - 7:21, 8:17, 43:12, 54:23, 55:4, 55:20, 145:14</p> <p><b>testimony</b> [11] - 2:19, 12:1, 42:5, 43:19, 59:8, 71:16, 71:23, 94:4, 114:17, 135:7, 144:3</p> <p><b>THE</b> [60] - 19:5, 21:10, 27:22, 28:11, 29:4, 29:19, 31:8, 33:10, 34:22, 36:6, 36:13, 37:2, 37:21, 39:4, 39:23, 41:1, 42:18, 43:1, 43:22, 47:10, 47:17, 48:2, 49:19, 54:7, 54:19, 55:22, 59:13, 60:13, 60:20, 62:8, 63:15, 64:21, 65:16, 66:16, 67:3, 68:4, 68:20,</p>	<p>70:8, 70:15, 71:2, 74:8, 74:18, 75:1, 75:9, 77:2, 77:9, 79:5, 81:22, 82:4, 84:14, 84:21, 85:20, 89:17, 91:18, 92:23, 117:19, 133:15, 134:8, 142:13, 143:5</p> <p><b>them's</b> [1] - 95:7</p> <p><b>themselves</b> [1] - 1:7</p> <p><b>they've</b> [4] - 22:8, 35:13, 38:15, 39:12</p> <p><b>thinking</b> [2] - 34:1, 102:9</p> <p><b>things</b> [1] - 124:18</p> <p><b>THOMAS</b> [2] - 1:7, 2:6</p> <p><b>Thomas</b> [3] - 2:21, 56:18, 56:19</p> <p><b>THOMPSON</b> [1] - 2:6</p> <p><b>thorough</b> [1] - 111:22</p> <p><b>threaded</b> [2] - 109:13, 109:17</p> <p><b>threads</b> [5] - 108:21, 108:22, 108:23, 109:16</p> <p><b>three</b> [16] - 17:18, 18:3, 18:19, 19:2, 21:5, 47:5, 47:20, 53:3, 53:4, 53:20, 54:11, 95:15, 96:11, 112:14, 137:5</p> <p><b>throw</b> [2] - 14:18, 85:22</p> <p><b>thrown</b> [7] - 68:11, 68:14, 124:11, 124:21, 125:2, 125:10, 125:14</p> <p><b>Thruway</b> [1] - 32:17</p> <p><b>tightens</b> [1] - 99:1</p> <p><b>timeline</b> [1] - 101:6</p> <p><b>tire</b> [43] - 13:18, 15:3, 16:19, 17:23, 23:23, 27:9, 31:9, 31:10, 33:1, 35:8, 39:8, 52:9, 56:17, 59:16, 76:17, 87:11, 87:18, 87:20, 88:8, 89:8, 89:21, 90:6, 91:13, 92:4, 92:6, 92:12, 97:5, 98:17, 99:3, 105:12, 106:12, 107:2, 107:3, 107:4, 107:6, 107:10, 107:23, 110:21, 113:18, 121:11, 127:7, 129:7</p> <p><b>Tire</b> [1] - 102:13</p> <p><b>tire's</b> [2] - 107:11, 110:20</p>	<p><b>tires</b> [12] - 24:2, 87:14, 89:14, 89:18, 92:2, 92:15, 92:21, 94:10, 97:4, 98:6, 98:23, 101:8</p> <p><b>TO</b> [2] - 146:1, 147:1</p> <p><b>today</b> [36] - 2:23, 3:3, 3:10, 3:21, 4:3, 4:6, 4:14, 6:2, 6:10, 6:15, 7:8, 7:20, 9:20, 10:4, 12:13, 19:18, 19:23, 26:8, 42:5, 45:19, 61:6, 77:5, 77:22, 94:4, 100:14, 100:17, 101:3, 112:11, 113:9, 113:12, 113:22, 114:18, 128:2, 133:18, 134:17</p> <p><b>together</b> [6] - 23:5, 45:19, 99:1, 99:11, 119:2, 127:11</p> <p><b>Tom</b> [14] - 31:17, 49:8, 49:16, 52:19, 53:19, 54:5, 77:18, 85:2, 95:9, 100:20, 115:8, 133:21, 138:21, 142:2</p> <p><b>Tom's</b> [2] - 44:14, 148:6</p> <p><b>TOMASSINI</b> [1] - 1:7</p> <p><b>Tomassini</b> [2] - 2:21, 133:22</p> <p><b>ton</b> [2] - 31:12, 31:13</p> <p><b>took</b> [6] - 48:22, 54:15, 112:12, 129:18, 137:21, 139:17</p> <p><b>tool</b> [1] - 128:21</p> <p><b>top</b> [4] - 95:14, 95:16, 98:22, 131:18</p> <p><b>torch</b> [5] - 51:22, 52:4, 52:9, 129:8, 129:10</p> <p><b>touch</b> [1] - 92:8</p> <p><b>towards</b> [1] - 71:3</p> <p><b>Town</b> [5] - 29:9, 33:18, 33:22, 33:23, 140:10</p> <p><b>TPMS</b> [103] - 17:18, 17:20, 18:3, 18:19, 18:20, 19:3, 19:12, 20:14, 21:5, 22:3, 24:6, 24:7, 26:11, 27:14, 31:18, 32:6, 32:11, 38:8, 45:20, 67:16, 68:10, 68:13, 72:12, 72:18, 73:3, 73:17, 78:12, 79:9, 81:5, 81:12, 85:11, 87:23, 88:2, 88:8,</p>	<p>88:12, 89:2, 89:9, 90:5, 90:10, 90:13, 90:17, 90:23, 91:6, 92:1, 92:4, 92:7, 92:19, 94:9, 94:12, 94:14, 95:2, 96:10, 96:12, 96:14, 97:10, 97:22, 100:7, 100:11, 101:11, 101:13, 101:20, 103:19, 103:23, 104:10, 106:10, 106:15, 106:17, 106:20, 107:4, 107:6, 108:2, 110:15, 111:8, 115:11, 115:15, 116:3, 116:11, 116:12, 116:15, 116:20, 117:6, 122:6, 124:8, 124:9, 124:11, 125:2, 125:8, 126:13, 126:17, 126:22, 128:13, 129:12, 129:19, 130:8, 130:21, 131:13, 132:1, 132:14, 136:15, 137:1, 137:16, 138:9</p> <p><b>TPMSs</b> [2] - 35:2, 138:15</p> <p><b>track</b> [1] - 103:7</p> <p><b>tracks</b> [1] - 103:2</p> <p><b>traffic</b> [1] - 32:7</p> <p><b>trained</b> [2] - 127:22, 131:5</p> <p><b>training</b> [1] - 98:2</p> <p><b>transcript</b> [4] - 142:8, 142:12, 144:3, 146:14</p> <p><b>transcripts</b> [1] - 146:15</p> <p><b>trash</b> [12] - 14:18, 15:5, 15:8, 15:16, 67:18, 68:15, 78:14, 124:11, 124:21, 125:3, 125:10, 125:14</p> <p><b>travel</b> [1] - 110:7</p> <p><b>travels</b> [1] - 98:21</p> <p><b>Treat</b> [1] - 85:3</p> <p><b>treat</b> [1] - 85:5</p> <p><b>trial</b> [2] - 1:15, 23:17</p> <p><b>tried</b> [1] - 40:9</p> <p><b>trouble</b> [1] - 116:23</p> <p><b>true</b> [38] - 21:4, 21:11, 59:14, 60:10, 61:14, 61:18, 61:22, 62:6, 62:23, 63:5, 63:13, 63:20, 65:22, 67:12, 68:2, 68:6, 73:5, 73:16, 74:1,</p>
--	--	---	---	---

JACK W. HUNT &amp; ASSOCIATES, INC.

1120 Liberty Building

Buffalo, New York 14202 - (716) 853-5600



<p>74:3, 74:15, 75:7, 75:23, 76:12, 76:18, 78:7, 80:7, 80:9, 80:21, 81:1, 81:8, 81:9, 81:13, 81:19, 82:2, 83:19, 144:2</p> <p><b>truly</b> [1] - 137:2</p> <p><b>trust</b> [1] - 142:16</p> <p><b>truth</b> [5] - 6:16, 7:11, 145:14, 145:15</p> <p><b>try</b> [8] - 31:3, 33:1, 57:6, 66:8, 71:5, 125:6, 128:21, 129:2</p> <p><b>trying</b> [9] - 13:4, 13:7, 41:5, 55:23, 82:12, 88:9, 99:17, 130:14, 140:17</p> <p><b>TT</b> [4] - 93:3, 93:5, 96:18, 146:8</p> <p><b>twice</b> [1] - 44:4</p> <p><b>two</b> [13] - 9:13, 15:14, 15:18, 21:5, 54:11, 56:15, 94:4, 96:11, 97:4, 102:21, 138:2, 138:9, 140:8</p> <p><b>type</b> [7] - 27:18, 30:15, 31:5, 51:2, 51:12, 52:6, 92:9</p> <p><b>typed</b> [1] - 118:11</p> <p><b>types</b> [2] - 120:9, 139:2</p> <p><b>typically</b> [8] - 17:2, 60:22, 61:2, 62:11, 117:4, 119:11, 120:14, 127:16</p>	<p>136:15, 137:1, 137:17, 137:22, 138:2, 138:11</p> <p><b>unless</b> [6] - 11:12, 15:6, 44:16, 50:18, 116:22, 148:8</p> <p><b>unquote</b> [1] - 139:16</p> <p><b>unscrew</b> [1] - 106:14</p> <p><b>up</b> [46] - 4:16, 4:22, 5:2, 9:11, 10:1, 23:2, 23:17, 24:15, 26:21, 36:2, 38:12, 41:17, 41:18, 43:4, 44:21, 51:11, 55:8, 60:23, 70:2, 77:6, 79:14, 80:2, 86:18, 93:21, 94:1, 98:20, 99:13, 100:14, 100:17, 106:21, 107:7, 107:13, 107:20, 107:21, 110:2, 110:13, 115:10, 118:11, 120:9, 129:4, 129:8, 135:7, 140:23, 141:11, 142:3, 148:13</p> <p><b>updated</b> [1] - 38:17</p> <p><b>Upstate</b> [1] - 36:17</p> <p><b>US</b> [29] - 1:11, 2:7, 2:23, 11:6, 26:5, 28:7, 29:2, 30:4, 31:5, 33:14, 34:15, 35:6, 37:5, 40:5, 40:10, 41:21, 42:16, 42:21, 47:12, 53:10, 76:4, 115:9, 118:11, 118:12, 132:11, 132:13, 134:1, 134:5</p> <p><b>US's</b> [4] - 8:12, 10:1, 40:14, 77:5</p> <p><b>UU</b> [5] - 99:20, 112:14, 121:6, 126:18, 146:9</p>	<p>77:7, 83:3, 83:4, 83:19, 87:19, 88:1, 88:11, 88:13, 88:16, 88:18, 89:1, 89:2, 89:3, 89:5, 89:7, 89:8, 89:13, 90:2, 97:7, 98:8, 98:14, 99:2, 99:5, 99:6, 99:10, 108:5, 112:1, 112:11, 112:15, 113:6, 127:4, 139:18, 140:8, 141:16, 141:21</p> <p><b>valves</b> [3] - 38:17, 90:5, 92:15</p> <p><b>van</b> [1] - 29:7</p> <p><b>vans</b> [4] - 29:10, 30:4, 31:5, 40:6</p> <p><b>various</b> [1] - 112:1</p> <p><b>vehicle</b> [44] - 13:10, 13:17, 14:3, 27:19, 31:17, 33:7, 33:15, 36:10, 56:20, 65:17, 66:10, 67:17, 67:19, 72:13, 73:4, 76:7, 76:18, 78:13, 78:14, 78:17, 79:10, 85:12, 88:1, 88:3, 89:10, 89:14, 107:3, 110:5, 111:3, 115:11, 116:21, 117:7, 117:13, 118:2, 120:12, 121:18, 122:2, 122:6, 123:21, 124:3, 125:9, 136:16, 140:10, 141:14</p> <p><b>vehicle's</b> [1] - 116:3</p> <p><b>vehicles</b> [7] - 16:12, 29:2, 29:17, 30:11, 38:2, 39:5, 40:15</p> <p><b>verbatim</b> [1] - 145:8</p> <p><b>versus</b> [1] - 37:7</p> <p><b>vice</b> [1] - 2:7</p> <p><b>vicinity</b> [1] - 10:20</p> <p><b>view</b> [1] - 47:14</p> <p><b>violate</b> [1] - 48:14</p> <p><b>virtually</b> [1] - 33:19</p> <p><b>vs</b> [1] - 1:10</p> <p><b>VV</b> [3] - 135:19, 135:22, 146:11</p>	<p><b>warm</b> [1] - 60:5</p> <p><b>Washington</b> [5] - 2:3, 10:11, 10:13, 11:1, 114:22</p> <p><b>watch</b> [2] - 105:11, 105:15</p> <p><b>WD-40</b> [5] - 128:22, 129:1, 129:13, 130:11, 132:22</p> <p><b>week</b> [5] - 9:19, 72:5, 97:10, 97:21, 101:12</p> <p><b>weeks</b> [2] - 102:21, 137:5</p> <p><b>West</b> [1] - 2:2</p> <p><b>whack</b> [3] - 130:17, 131:2, 131:17</p> <p><b>whacks</b> [1] - 130:20</p> <p><b>whatnot</b> [2] - 30:19, 134:10</p> <p><b>whatsoever</b> [2] - 25:7, 125:7</p> <p><b>wheel</b> [24] - 92:5, 92:7, 98:20, 98:21, 106:13, 106:22, 107:1, 107:4, 107:5, 108:1, 108:5, 108:7, 108:9, 108:11, 108:12, 108:14, 109:11, 109:15, 109:18, 109:22, 110:16, 129:9, 132:7</p> <p><b>whereas</b> [1] - 36:9</p> <p><b>white</b> [1] - 126:9</p> <p><b>White</b> [2] - 10:20, 18:4</p> <p><b>whole</b> [4] - 5:17, 109:14, 142:13, 145:14</p> <p><b>wife</b> [2] - 113:9, 140:5</p> <p><b>wife's</b> [1] - 4:22</p> <p><b>willing</b> [1] - 53:21</p> <p><b>willingness</b> [1] - 53:6</p> <p><b>wishes</b> [1] - 136:23</p> <p><b>witness</b> [7] - 22:7, 22:12, 47:15, 59:7, 86:13, 86:14, 143:7</p> <p><b>Witness</b> [1] - 147:2</p> <p><b>WITNESS</b> [60] - 19:5, 21:10, 27:22, 28:11, 29:4, 29:19, 31:8, 33:10, 34:22, 36:6, 36:13, 37:2, 37:21, 39:4, 39:23, 41:1, 42:18, 43:1, 43:22, 47:10, 47:17, 48:2, 49:19, 54:7, 54:19, 55:22, 59:13, 60:13, 60:20, 62:8, 63:15,</p>	<p>64:21, 65:16, 66:16, 67:3, 68:4, 68:20, 70:8, 70:15, 71:2, 74:8, 74:18, 75:1, 75:9, 77:2, 77:9, 79:5, 81:22, 82:4, 84:14, 84:21, 85:20, 89:17, 91:18, 92:23, 117:19, 133:15, 134:8, 142:13, 143:5</p> <p><b>witness's</b> [1] - 77:11</p> <p><b>witnesses</b> [1] - 6:7</p> <p><b>WITNESSES</b> [1] - 147:1</p> <p><b>woman</b> [1] - 140:3</p> <p><b>wondering</b> [1] - 4:23</p> <p><b>word</b> [5] - 44:17, 60:23, 127:17, 127:20, 148:9</p> <p><b>worded</b> [1] - 89:23</p> <p><b>words</b> [7] - 6:8, 13:2, 24:5, 32:10, 39:18, 39:20, 71:4</p> <p><b>works</b> [4] - 25:20, 113:2, 113:3, 133:23</p> <p><b>worksheet</b> [1] - 17:4</p> <p><b>wrench</b> [5] - 108:16, 132:6, 132:20, 132:21, 132:22</p> <p><b>write</b> [1] - 120:16</p> <p><b>writer</b> [3] - 46:11, 120:4, 120:7</p> <p><b>writes</b> [1] - 17:14</p> <p><b>writing</b> [6] - 56:5, 81:14, 106:6, 121:7, 122:10, 145:10</p> <p><b>written</b> [3] - 106:4, 120:10, 121:9</p> <p><b>wrongdoing</b> [1] - 54:1</p> <p><b>wrote</b> [1] - 13:12</p>
<p><b>U</b></p>				
<p><b>um-hum</b> [1] - 3:8</p> <p><b>Under</b> [1] - 45:11</p> <p><b>under</b> [12] - 7:8, 7:10, 7:13, 7:14, 7:15, 54:2, 64:2, 70:1, 107:21, 137:5, 142:7, 145:10</p> <p><b>understood</b> [1] - 6:23</p> <p><b>unfortunately</b> [2] - 7:7, 18:12</p> <p><b>unique</b> [2] - 44:18, 148:10</p> <p><b>unit</b> [13] - 106:15, 115:11, 115:15, 116:3, 116:11, 116:12, 116:15, 116:20, 117:6, 124:11, 126:13, 126:17, 138:5</p> <p><b>UNITED</b> [1] - 1:4</p> <p><b>units</b> [7] - 126:22,</p>	<p><b>V</b></p>	<p><b>valve</b> [79] - 22:21, 27:19, 28:1, 28:8, 28:14, 29:11, 29:16, 30:5, 30:11, 31:6, 32:16, 33:22, 34:16, 35:8, 35:16, 35:19, 35:21, 36:2, 36:9, 36:22, 37:6, 37:16, 38:1, 38:21, 40:5, 40:10, 40:15, 42:1, 47:5, 47:14, 47:21, 53:4, 53:20, 57:4, 57:10, 59:16, 64:12, 66:17, 66:21, 72:18, 76:6, 76:10, 76:21,</p>	<p><b>W</b></p>	
		<p><b>waive</b> [1] - 142:15</p> <p><b>walk</b> [4] - 21:21, 23:5, 84:5, 99:22</p> <p><b>walking</b> [2] - 62:16, 96:22</p> <p><b>wants</b> [5] - 4:10, 17:2, 39:14, 52:15, 52:19</p>		<p><b>Y</b></p>
				<p><b>year</b> [9] - 11:20, 15:14, 15:19, 30:22, 31:4, 46:23, 56:19, 83:5, 83:7</p> <p><b>years</b> [11] - 31:23, 32:3, 34:11, 35:13, 35:15, 49:21, 117:8, 117:14, 118:3, 119:6</p> <p><b>yesterday</b> [1] - 83:17</p> <p><b>YORK</b> [2] - 1:5, 145:1</p> <p><b>York</b> [8] - 1:18, 2:3, 2:12, 10:21, 36:18, 87:17, 145:6</p> <p><b>yourself</b> [3] - 20:2, 59:2, 59:5</p>

JACK W. HUNT &amp; ASSOCIATES, INC.

1120 Liberty Building

Buffalo, New York 14202 - (716) 853-5600